



Deny, as I did not knowingly file a false return, as I was unaware of the errors made by the accountant who prepared them, whom I relied on.

3. Admit that you filed tax returns for 1993 through 2001 knowing that you actually received more income than declared on the returns.

Object to as compound. Additionally, after reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

4. Admit that you have never filed an amended tax return correcting any of your tax returns.

Admit, as I was not required to do as part of the settlement of the criminal case.

5. Admit that you knowingly used a tax loss carry forward for tax year 1994 which you knew was not your loss.

Deny, as I did not knowingly file a return with any errors, as I was unaware of the errors, if any, made by the accountant who prepared them, whom I relied upon.

6. Admit that you knowingly used a tax loss carry forward for tax year 1995 which you knew was not your loss.

Deny, as I did not knowingly file a return with any errors, as I was unaware of the errors, if any, made by the accountant who prepared them, whom I relied upon.

7. Admit that you filed tax returns for the tax years 1992 through 2001 which you knew under reported your income for those years.

Object to as compound. Additionally, after reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

8. Admit that you removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.

Deny, as notice was always provided as agreed upon, although as Mike Yusuf testified, many such receipts were destroyed by agreement.

9. Admit that you never removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.

Admit.

10. Admit that you could remove funds from the safes at the Plaza Extra Stores without making any record of it.

Deny, as everyone was required to follow the process of recoding all such withdrawals, although as Mike Yusuf testified, many such receipts were destroyed by agreement.

11. Admit that you could remove funds from the safes at the Plaza Extra Stores without making any record of it.

Deny, as everyone was required to follow the process of recoding all such withdrawals, although as Mike Yusuf testified, many such receipts were destroyed by agreement.

12. Admit that records relating to the funds removed from the Plaza Extra Stores by Hamed family members were destroyed, discarded or secreted by you or members of your family.

Admit only that this was done by mutual agreement and at the same time in each other's presence, as Mike Yusuf testified, many such receipts were destroyed by agreement.

13. Admit that none of the records relating to the funds removed from the Plaza Extra Stores by Hamed family members were destroyed or discarded by you or members of your family.

Deny, as no records were discarded except by mutual consent with the Yusufs after accountings were done from time to time, as Mike Yusuf testified, many such receipts were destroyed in each other's presence by mutual agreement.

14. Admit that the 2001 Partial Reconciliation established that the Hamed family had withdrawn \$1.6 million more than the Yusuf family from Plaza Extra-East.

Deny, as the term defines an event that did not take place in 2001. Moreover, any

such discussions were subject to other offsets. For example, as Mike Yusuf testified, those amounts did not include the St. Thomas store or other outstanding amounts.

15. Admit that other than the receipts, checks and other evidence of Hamed family withdrawals from Plaza Extra-East used in the 2001 Partial Reconciliation, none of the records relating to withdrawals from the Plaza Extra Stores by the Hamed family members were destroyed, discarded or secreted by you or members of your family.

Deny, as records were discarded from time to time by mutual consent with the Yusufs after accountings were done from time to time. Moreover, any such discussions were subject to other offsets. For example, as Mike Yusuf testified, those amounts did not include the St. Thomas store or other outstanding amounts.

16. Admit that during informal mediation sessions, you have acknowledged to several individuals that the 2001 Partial Reconciliation established that the Hamed family had withdrawn \$1.6 million more than the Yusuf family.

Object to as this request violates the mediation rules. It is further denied any such statements were made. Moreover, any such discussions were subject to other offsets. For example, as Mike Yusuf testified, those amounts did not include the St. Thomas store or other outstanding amounts.

17. Admit that you, Hamed and your brothers have always had access to all of the financial records for all three Plaza Extra Stores.

Deny. Fathi Yusuf was in charge of those the office and those records. In 2001 the records were seized by the FBI and were not made available to us for several years, although everyone had full access to them again by 2003. Then, after the criminal plea was entered, Fathi Yusuf hired accountants who kept the records from the Hameds until a court order was obtained in 2014 to gain access again to these records. Even now there is a delay between the generation of the records and the receipt of them by the Hameds.

18. Admit that as a store manager, you have always had access to all of the financial records for all of the Plaza Extra Stores.

Deny. Fathi Yusuf was in charge of those records. In 2001 the records were seized by the FBI and were not made available to us for several years, although everyone

had full access to them again by 2003. Then, after the criminal plea was entered, Fathi Yusuf hired accountants who kept the records from the Hameds until a court order was obtained in 2014 to gain access again to these records, even though even now there is a delay between the generation of the records and the receipt of them by the Hameds.

19. Admit that Hamed and Yusuf always kept separate, segregated books and accounts for each of the three Plaza Extra Stores, and kept a detailed accounting open to both partners for the expenses and profits of the Plaza Extra Stores wholly separate from the unrelated business operations of United in its operation of the United Shopping Center.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. To the extent it is understood, United's operations were not separated from the business operations of Plaza, as Plaza paid many of United's expenses, so this request is denied. For example, many expenses of the United operations were "charged" to Plaza Extra, instances of which uncovered to date include property insurance and gross receipts taxes.

20. Admit that you know the total amount you and your family members have withdrawn from the Plaza Extra Stores from 1986 to date inclusive of salaries and documented bonuses.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied. Moreover, Yusufs and United have been unable to provide such calculations in response to multiple discovery requests.

21. Admit that you do not know the total amount the Yusuf family members have withdrawn from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.

Admit.

22. Admit that you have not done an accounting as to the funds taken by you and your family members from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.

This request is objected to as ambiguous, as the term "accounting" is too ambiguous to comprehend in determining what Plaintiff is being asked to admit.

Indeed, to the extent this request is understood, an accounting of funds would have been made from time to time between the Hameds and Yusufs, although an amount is currently not possible to recreate due to the passage of time and lack of records.

23. Admit that you have not done an accounting as to the funds taken by Yusuf and his sons from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.

This request is objected to as ambiguous, as the term “accounting” is too ambiguous to comprehend in determining what Plaintiff is being asked to admit. Indeed, to the extent this request is understood, an accounting of funds would have been made from time to time between the Hameds and Yusufs, although it is currently not possible to recreate it due to the passage of time and lack of records.

24. Admit that you used funds taken from the Plaza Extra Stores or Plessen for investment in Five Comers.

Deny, as no such funds were 'taken' -- and none used for any such investment.

25. Admit that you used funds taken from the Plaza Extra Stores or Plessen for investment in Five H Holdings, Inc.

Deny, as no such funds were 'taken' -- and none used for any such investment.

26. Admit that the your only source of income from 1986 through 2012 was the Plaza Extra Stores.

Deny, as I have other investments like the apartments I rent and the investments made from his savings.

27. Admit that any monies or assets you have acquired individually from 1986 through 2012 came from funds withdrawn from the Plaza Extra Stores.

Deny, as I have other investments like the apartments I rent and the investments made from his savings. Moreover many funds were paid to me as salary, not 'withdrawn.'

28. Admit that you withdrew monies from the Plaza Extra Stores without advising Yusuf or his sons.

Deny, as the Yusufs were always aware of all such withdrawals, although as Mike Yusuf testified, many such receipts were destroyed in each other's presence by mutual agreement.

29. Admit that you and members of your family have withdrawn more monies from the Plaza Extra Stores than Yusuf and his sons.

Deny, as the Yusufs have withdrawn more money than the Hameds as noted by the post January 1, 2012, \$2,700,000 unilaterally taken by the Yusufs in 2012 giving rise to this case -- as well as more than \$500,000 taken by the Yusufs to pay DiRuzzo and funds taken by United from Plaza Extra Supermarkets to pay insurance and gross receipts taxes on United properties.

30. Admit that the \$536,405 check dated April 29, 1998 made payable to Hamed and signed by you from the Cairo Amman Bank, Account #02501171878-00 was Plaza Extra Store funds and that you have never accounted to Yusuf for the disposition of these funds.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. To the extent it is understood, the Plaintiff has always provided a full accounting to Fathi Yusuf from time to time, as requested over the years, including the \$536,405 check which was spent as agreed by the parties. However, as to this specific inquiry about the \$536,405 check, after reasonable inquiry, this request cannot be fully responded to due to the passage of time and the lack of records for that time period. Hence, it is denied.

31. Admit that when Plaza Extra-East first opened for business, Hamed agreed with Yusuf that rent would be paid to United based on the price of \$5.55 per square foot occupied.

Deny, as no such agreement was ever made.

32. Admit that no rent has been paid by Plaza Extra-East to United for the period from January 1, 1994 through May 4, 2004.

Deny, as rent was paid in cash to Fathi Yusuf as he requested from time to time.

33. Admit that you and your brothers sent monies from the Plaza Extra Stores to your father, Hamed in Jordan before and after his retirement in 1996.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. To the extent it is understood, monies were sent to Mohammad Hamed with the full knowledge and consent of the Yusufs

34. Admit that you loaned monies from the Plaza Extra Stores to third parties who made repayments directly to you.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

35. Admit that you believed it would be detrimental to your father's interests to advise federal authorities during the Criminal Case or to allege publically that the Plaza Extra Stores were operated as a partnership between Hamed and Yusuf.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. It is also objected as seeking confidential information that is protected by the attorney-client privilege.

36. Admit that your declaration dated August 24, 2014 is the first time you have stated that the rent claimed due by United for the period from January 1, 1994 to May 4, 2004 has in fact been paid.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period, as it is unknown if any bogus claim that rent was unpaid was ever made since it had in fact been paid. It was never raised at any prior time or during the 2012 settlement of all past rents. Hence, it is denied.

37. Admit that you and your father have produced no documents and can produce no documents relating to the cash payment of rent to United for any period of time.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

38. Admit that Hamed and Yusuf have scrupulously maintained records of withdrawals from the Plaza Extra Stores to each of them (and their respective family members), to make certain there would always be an equal (50/50) amount of these withdrawals for themselves or to designated family members.



This request is objected to as ambiguous, as the term “scrupulously” is overly broad in order to comprehend in determining what Plaintiff is being asked to admit. To the extent this request is understood, the intent has always been to document all withdrawals by each family member to make sure the withdrawals/expenditures are 50/50, as has been done previously In the past from time to time. As stated above, it has since been determined that United was taking funds by covering its own payments with Plaza Extra funds. Moreover, as Mike Yusuf testified, many such receipts were destroyed by him and others by mutual agreement.

39. Admit that an accurate and complete accounting can be given as to the withdrawals from the Plaza Extra Stores to Hamed and Yusuf (and their respective family members).

Denied. Moreover, as Mike Yusuf testified, many such receipts were destroyed by him and others by mutual agreement.

40. Admit that you and your brothers "skimmed" monies from the funds not reported as income which were the subject of the Criminal Case.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Notwithstanding this fact, United has admitted that it skimmed funds. Fathi Yusuf has stated that he was in charge of all aspects of the office and business, so all funds were removed as he directed.

41. Admit that you and your brothers knew and understood that removal of monies from the Plaza Extra Stores without reporting it as income was done to evade taxes and that you, Hamed and your brothers personally benefited from these actions.

Object to as unduly overbroad and confusing, as the withdrawal of monies is not necessarily the same as income. Also object to as compound and seeking information about my brothers' state of mind. Hence, this request is denied. Notwithstanding this fact, United has admitted that it skimmed funds. Fathi Yusuf has stated that he was in charge of all aspects of the office and business, so all funds were removed as he directed.

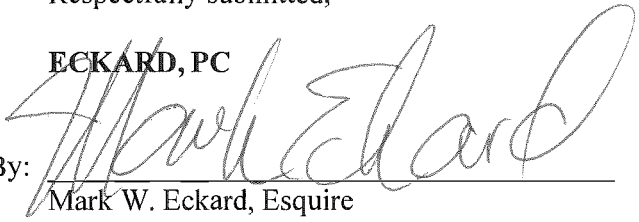
42. Admit that you and your brothers knowingly and actively participated in the removal of monies from the Plaza Extra Stores without reporting it as income.

Object to as unduly confusing and overbroad, as the withdrawal of monies is not necessarily the same as income. Also object to as compound and seeking information about my brothers' state of mind. Hence, this request is denied. Notwithstanding this fact, United has admitted that it skimmed funds. Fathi Yusuf has stated that he was in charge of all aspects of the office and business, so all funds were removed as he directed.

Respectfully submitted,

**ECKARD, PC**

By:

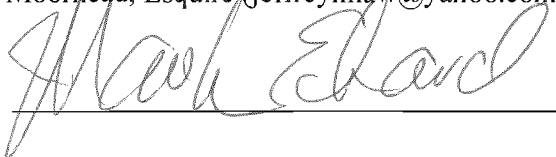
  
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Dated: September 26, 2014

Counsel to Waleed, Mufeed and Hisham Hamed

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of September 2014, I served 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); Gregory H. Hodges, Esquire (ghodges@dtflaw.com); Joel H. Holt, Esquire (holtvi@aol.com); and Jeffrey B.C. Moorhead, Esquire (jeffreymlaw@yahoo.com).

  
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