

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

MOHAMMAD HAMED , by his authorized agent WALEED HAMED ,)	CIVIL NO. SX-12-CV-370
)	
Plaintiff/Counterclaim Defendant,)	ACTION FOR DAMAGES, INJUNCTIVE RELIEF AND DECLARATORY RELIEF
vs.)	
)	JURY TRIAL DEMANDED
FATHI YUSUF and UNITED CORPORATION ,)	
)	
Defendants/Counterclaimants,)	
vs.)	
)	
WALEED HAMED, WAHEED HAMED, MUFEED HAMED, HISHAM HAMED, and PLESSEN ENTERPRISES, INC.,)	
)	
Additional Counterclaim Defendants.)	
)	

NOTICE OF FILING AFFIDAVITS OF SERVICE

Defendants/counterclaimants Fathi Yusuf and United Corporation (collectively, the “Defendants”), through their undersigned attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide notice of filing the attached Affidavits of Service regarding the following:


- 1) Subpoena Duces Tecum directed to Banco Popular de Puerto Rico regarding accounts of Mohammad Hamed;
- 2) Subpoena Duces Tecum directed to Banco Popular de Puerto Rico regarding accounts of Mufeed Hamed; and
- 3) Subpoena Duces Tecum directed to Banco Popular de Puerto Rico regarding accounts of Waleed Hamed.

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**
1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, U.S. V.I. 00804-0756
(340) 774-4422

DUDLEY, TOPPER and FEUERZEIG, LLP

Dated: September 30, 2014

By:



Charlotte K. Perrell (V.I. Bar No. 1281)
1000 Frederiksberg Gade - P.O. Box 756
St. Thomas, VI 00804
Telephone: (340) 774-4422
Telefax: (340) 715-4400
E-mail: ghodges@dtflaw.com
and

Nizar A. DeWood, Esq. (V.I. Bar No. 1177)
The DeWood Law Firm
2006 Eastern Suburbs, Suite 101
Christiansted, VI 00830
Telephone: (340) 773-3444
Telefax: (888) 398-8428
Email: info@dewood-law.com

Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 2014, I caused the foregoing **Notice of Filing Affidavits of Service** to be served upon the following via e-mail:

Joel H. Holt, Esq.
LAW OFFICES OF JOEL H. HOLT
2132 Company Street
Christiansted, V.I. 00820
Email: holtvi@aol.com

Carl Hartmann, III, Esq.
5000 Estate Coakley Bay, #L-6
Christiansted, VI 00820
Email: carl@carlhartmann.com

Mark W. Eckard, Esq.
Eckard, P.C.
P.O. Box 24849
Christiansted, VI 00824
Email: mark@markeckard.com

Jeffrey B.C. Moorhead, Esq.
C.R.T. Building
1132 King Street
Christiansted, VI 00820
Email: jeffreymlaw@yahoo.com

The Honorable Edgar A. Ross
Email: edgarrossjudge@hotmail.com



**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th DAY OF AUGUST, 2014

Nathalie Roumou

Nathalie Roumou

Notary Public (NP-33-13)

My Commission Expires 5/15/2017

Renix Charles
Renix Charles, Process Server

Issued by the
SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF

St. Croix

Mohammed Hamed,
by his authorized agent, Waleed Hamed,

Plaintiff/Counterclaim Defendant

v.

SUBPOENA IN A CIVIL CASE

Case No: SX-12-cv-370

Fathi Yusuf and United Corporation,

Defendants/Counterclaimants,

v.

**Waleed Hamed, Waheed Hamed, Mufeed Hamed,
Hisham Hamed, and Plessen Enterprises, Inc.**

Additional Counterclaim Defendants

SUBPOENA DUCES TECUM

TO: **Custodian of Records**

ADDRESS: **Banco Popular de Puerto Rico**
193 Estate Altona & Welgunst
St. Thomas, VI 00802

YOU ARE HEREBY COMMANDED to appear in the Superior Court of the Virgin Islands in the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE HEREBY COMMANDED to appear in the Superior Court of the Virgin Islands in the place, date, and time specified at the taking of a Deposition in the above case.

PLACE OF DEPOSITION Dudley, Topper and Feuerzeig, LLP 1000 Frederiksberg Gade St. Thomas, V.I., 00802	DATE AND TIME 08-08-2014 2:00 p.m. (AST)
***NOTE: IN LIEU OF APPEARING FOR THE DEPOSITION AT THE DATE AND TIME SPECIFIED, YOU MAY COMPLY WITH THIS SUBPOENA DUCES TECUM BY PRODUCING THE DOCUMENTS REFERENCED HEREIN BELOW ON OR BEFORE THE ABOVE STATED DATE.	

2014 JUL 22 11 11 36
 SUPERIOR COURT
 OF THE VIRGIN ISLANDS

YOU ARE HEREBY COMMANDED to produce and permit inspection and copying of the following documents or object at the place, date and times specified below (list documents or objects):

Produce any and all documents listed in Exhibit A attached hereto.

PLACE:

The Law Offices of
Dudley, Topper and Feuerzeig, LLP
1000 Frederiksberg Gade
St. Thomas, V.I., 00802

DATE AND TIME:

08-08-2014 2:00 p.m. (AST)

YOU ARE HEREBY COMMANDED to permit inspection of the following premises at the date and time specified below:

PREMISES

DATE AND TIME:

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE

ESTRELLA H. GEORGE
ACTING CLERK OF THE SUPERIOR COURT:

DATE

By: 

ISSUING ATTORNEY'S ADDRESS AND TELEPHONE NUMBER:



Gregory H. Hodges, Esq. (V.I. Bar No. 174)

VI Bar # 1281

Dudley, Topper and Feuerzeig, LLP

1000 Frederiksberg Gade; P.O. Box 756, St. Thomas, VI 00804-0756

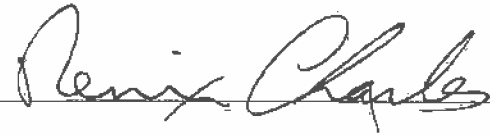
Telephone: (340) 774-4422

Attorney for Defendants, Fathi Yusuf and United Corporation

RETURN OF SERVICE

I personally served the within subpoena duces tecum by delivering a copy to Sanada Hendricks
For Custodian of Records

Dated: 7-30-14

By: 

RETURN OF SERVICE

This is to certify that _____ cannot be found in this jurisdiction.

Dated: _____

By: _____

RETURN OF SERVICE

I hereby certify that I served the within subpoena duces tecum by leaving a copy at _____, the usual place of abode, with _____, a member of his/her family over the age of 14 years, then residing with him/her.

Dated: _____

By: _____

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery,* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fail to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

1. **Any and all** statements, transaction and/or portfolio summaries, checks, deposits and deposit slips, wire transfers, disbursements and any other evidence of activity pertaining to any and all accounts, portfolios, checking, savings, money market or otherwise held in the name of Waleed Hamed or Waleed Mohammad Hamed, or Wally Hamed, either individually or jointly from 1986 through the present, including but not limited to Account Nos. 194-602753, 4549 8700 0511 2319 and 4549 2700 9778 2204.
2. **Any and all** statements, transaction and/or portfolio summaries, checks, deposits and deposit slips, wire transfers, disbursements and any other evidence of activity pertaining to any and all accounts, portfolios, checking, savings, money market or otherwise in which Waleed Hamed or Waleed Mohammad Hamed, or Wally Hamed, either individually or jointly, had signatory authority from 1986 through the present.

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

Mohammed Hamed,)	
By his authorized agent, Waleed Hamed)	Case No: SX-12-cv-370
)	
Plaintiff/Counterclaim Defendant)	
)	
v.)	
)	
Fathi Yusuf and United Corporation,)	
)	
Defendants/Counterclaimants)	
)	
v.)	
)	
Waleed Hamed, Waheed Hamed, Mufeed Hamed,)	
Hisham Hamed, and Plessen Enterprises, Inc.)	
)	
Additional Counterclaim Defendants)	
_____)	

AFFIDAVIT OF SERVICE

Received by Renix Charles, a true coy of the **SUBPOENA DUCES TECUM** on July 20, 2014 to be served on Custodian of Records, Banco Popular de Puerto Rico, 193 Estate Altona & Welgunst, St. Thomas, VI 00802.

I, Renix Charles being duly sworn, depose and state that I am a citizen of the United States, resident of the U.S. Virgin Islands, over 18 years of age. I am not a party in the above captioned mater, not related to any of the parties herein; that on the 30th day of July, 2014 at 2:30 pm, executed service by delivering a true copy of the **SUBPOENA DUCES TECUM** on Sanada Hendrickson for the Custodian of Records, Banco Popular de Puerto Rico, 193 Estate Altona & Welgunst, St. Thomas, Virgin Islands, in accordance with United States Virgin Islands statutes in the manner marked below:

(x) Substituted service: Sanada Hendrickson for Custodian of Records

Military Status- () Yes () No based upon inquiry of the party served, defendant is not in the military service of the United States or of the state in any capacity whatsoever.

Married- () Yes () No based upon inquiry of the party served, defendant is not married.

Sanada Hendrickson responded to service in a normal manner and did not appear to be mentally disabled or have diminished capacity to understand what was happening.

Age: 30 Sex: M Race: B/K Height: 5'4 Weight: 190 Hair: B/K Glasses: Y/N

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th DAY OF AUGUST, 2014

Nathalie Roumou

Nathalie Roumou

Notary Public (NP-33-13)

My Commission Expires 5/15/2017

Renix Charles
Renix Charles, Process Server

Issued by the
SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF

St. Croix

Mohammed Hamed,
by his authorized agent, Waleed Hamed,

SUBPOENA IN A CIVIL CASE

Plaintiff/Counterclaim Defendant

v.

Case No: SX-12-cv-370

Fathi Yusuf and United Corporation,

Defendants/Counterclaimants,

v.

Waleed Hamed, Waheed Hamed, Mufeed Hamed,
Hisham Hamed, and Plessen Enterprises, Inc.

Additional Counterclaim Defendants

SUBPOENA DUCES TECUM

TO: **Custodian of Records**

ADDRESS: **Banco Popular de Puerto Rico**
193 Estate Altona & Welgunst
St. Thomas, VI 00802

YOU ARE HEREBY COMMANDED to appear in the Superior Court of the Virgin Islands in the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE HEREBY COMMANDED to appear in the Superior Court of the Virgin Islands in the place, date, and time specified at the taking of a Deposition in the above case.

PLACE OF DEPOSITION

Dudley, Topper and Feuerzeig, LLP
1000 Frederiksberg Gade
St. Thomas, V.I., 00802

DATE AND TIME

08-08-2014 2:00 p.m. (AST)

***NOTE: IN LIEU OF APPEARING FOR THE DEPOSITION AT THE DATE AND TIME SPECIFIED, YOU MAY COMPLY WITH THIS SUBPOENA DUCES TECUM BY PRODUCING THE DOCUMENTS REFERENCED HEREIN BELOW ON OR BEFORE THE ABOVE STATED DATE.

2014 AUG 22 11 44 35

SUPERIOR COURT
OF THE VIRGIN ISLANDS

YOU ARE HEREBY COMMANDED to produce and permit inspection and copying of the following documents or object at the place, date and times specified below (list documents or objects):

Produce any and all documents listed in Exhibit A attached hereto.

PLACE:

The Law Offices of
Dudley, Topper and Feuerzeig, LLP
1000 Frederiksberg Gade
St. Thomas, V.I., 00802

DATE AND TIME:

08-08-2014 2:00 p.m. (AST)

YOU ARE HEREBY COMMANDED to permit inspection of the following premises at the date and time specified below:

PREMISES

DATE AND TIME:

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE

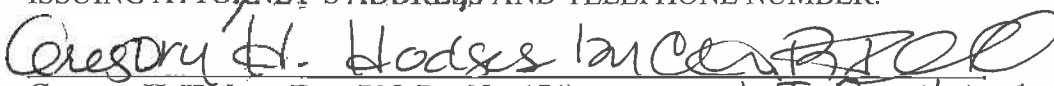
ESTRELLA H. GEORGE
ACTING CLERK OF THE SUPERIOR COURT:

DATE

By: 

7/29/14

ISSUING ATTORNEY'S ADDRESS AND TELEPHONE NUMBER:



Gregory H. Hodges, Esq. (V.I. Bar No. 174) V.I. Bar # 1281
Dudley, Topper and Feuerzeig, LLP
1000 Frederiksberg Gade; P.O. Box 756, St. Thomas, VI 00804-0756
Telephone: (340) 774-4422
Attorney for Defendants, Fathi Yusuf and United Corporation

RETURN OF SERVICE

I personally served the within subpoena duces tecum by delivering a copy to Sanada Hendricks
For Custodian of Records.

Dated: 7-30-14

By: 

RETURN OF SERVICE

This is to certify that _____ cannot be found in this jurisdiction.

Dated: _____

By: _____

RETURN OF SERVICE

I hereby certify that I served the within subpoena duces tecum by leaving a copy at _____, the usual place of abode, with _____, a member of his/her family over the age of 14 years, then residing with him/her.

Dated: _____

By: _____

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fail to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

1. **Any and all** statements, transaction and/or portfolio summaries, checks, deposits and deposit slips, wire transfers, disbursements and any other evidence of activity pertaining to any and all accounts, portfolios, checking, savings, money market or otherwise held in the name of Mufeed Hamed or Mufeed Mohammad Hamed, either individually or jointly from 1986 through the present, including but not limited to Account Nos. 4549 2700 9779 4662, 4549 2700 9778 1263 and 4549 2700 9790 3230.
2. **Any and all** statements, transaction and/or portfolio summaries, checks, deposits and deposit slips, wire transfers, disbursements and any other evidence of activity pertaining to any and all accounts, portfolios, checking, savings, money market or otherwise in which Mufeed Hamed or Mufeed Mohammad Hamed either individually or jointly, had signatory authority from 1986 through the present.

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

Mohammed Hamed,)	
By his authorized agent, Waleed Hamed)	Case No: SX-12-cv-370
)	
Plaintiff/Counterclaim Defendant)	
)	
v.)	
)	
Fathi Yusuf and United Corporation,)	
)	
Defendants/Counterclaimants)	
)	
v.)	
)	
Waleed Hamed, Waheed Hamed, Mufeed Hamed,)	
Hisham Hamed, and Plessen Enterprises, Inc.)	
)	
Additional Counterclaim Defendants)	
_____)	

AFFIDAVIT OF SERVICE

Received by Renix Charles, a true coy of the **SUBPOENA DUCES TECUM** on July 20, 2014 to be served on Custodian of Records, Banco Popular de Puerto Rico, 193 Estate Altona & Welgunst, St. Thomas, VI 00802.

I, Renix Charles being duly sworn, depose and state that I am a citizen of the United States, resident of the U.S. Virgin Islands, over 18 years of age. I am not a party in the above captioned mater, not related to any of the parties herein; that on the 30th day of July, 2014 at 2:30 pm, executed service by delivering a true copy of the **SUBPOENA DUCES TECUM** on Sanada Hendrickson for the Custodian of Records, Banco Popular de Puerto Rico, 193 Estate Altona & Welgunst, St. Thomas, Virgin Islands, in accordance with United States Virgin Islands statutes in the manner marked below:

(x) Substituted service: Sanada Hendrickson for Custodian of Records

Military Status- () Yes () No based upon inquiry of the party served, defendant is not in the military service of the United States or of the state in any capacity whatsoever.

Married- () Yes () No based upon inquiry of the party served, defendant is not married.

Sanada Hendrickson responded to service in a normal manner and did not appear to be mentally disabled or have diminished capacity to understand what was happening.

Age: 30 Sex: M Race: BLK Height 5'4 Weight 200 Hair BLK Glasses: Y/N

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th DAY OF AUGUST, 2014



Nathalie Roumou

Notary Public (NP-33-13)

My Commission Expires 5/15/2017



Renix Charles, Process Server

Issued by the
SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF

St. Croix

Mohammed Hamed,
by his authorized agent, Waleed Hamed,

SUBPOENA IN A CIVIL CASE

Plaintiff/Counterclaim Defendant

v.

Case No: SX-12-cv-370

Fathi Yusuf and United Corporation,

Defendants/Counterclaimants,

v.

**Waleed Hamed, Waheed Hamed, Mufeed Hamed,
Hisham Hamed, and Plessen Enterprises, Inc.**

Additional Counterclaim Defendants

SUBPOENA DUCES TECUM

TO: **Custodian of Records**

ADDRESS: **Banco Popular de Puerto Rico
193 Estate Altona & Welgunst
St. Thomas, VI 00802**

YOU ARE HEREBY COMMANDED to appear in the Superior Court of the Virgin Islands in the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE HEREBY COMMANDED to appear in the Superior Court of the Virgin Islands in the place, date, and time specified at the taking of a Deposition in the above case.

PLACE OF DEPOSITION

Dudley, Topper and Feuerzeig, LLP
1000 Frederiksberg Gade
St. Thomas, V.I., 00802

DATE AND TIME

08-08-2014 2:00 p.m. (AST)

***NOTE: IN LIEU OF APPEARING FOR THE DEPOSITION AT THE DATE AND TIME SPECIFIED, YOU MAY COMPLY WITH THIS SUBPOENA DUCES TECUM BY PRODUCING THE DOCUMENTS REFERENCED HEREIN BELOW ON OR BEFORE THE ABOVE STATED DATE.

2014 AUG 22 PM 1:36
SUPERIOR COURT OF THE VIRGIN ISLANDS

YOU ARE HEREBY COMMANDED to produce and permit inspection and copying of the following documents or object at the place, date and times specified below (list documents or objects):

Produce any and all documents listed in Exhibit A attached hereto.

PLACE:

The Law Offices of
Dudley, Topper and Feuerzeig, LLP
1000 Frederiksberg Gade
St. Thomas, V.I., 00802

DATE AND TIME:

08-08-2014 2:00 p.m. (AST)

YOU ARE HEREBY COMMANDED to permit inspection of the following premises at the date and time specified below:

PREMISES

DATE AND TIME:

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE

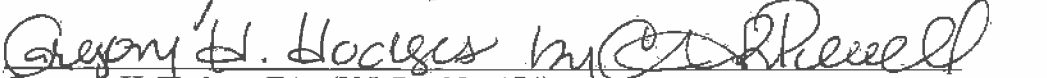
ESTRELLA H. GEORGE
ACTING CLERK OF THE SUPERIOR COURT:

By: 

DATE

7/29/14

ISSUING ATTORNEY'S ADDRESS AND TELEPHONE NUMBER:


Gregory H. Hodges, Esq. (V.I. Bar No. 174) **V.I. Bar # 1281**
Dudley, Topper and Feuerzeig, LLP
1000 Frederiksberg Gade; P.O. Box 756, St. Thomas, VI 00804-0756
Telephone: (340) 774-4422
Attorney for Defendants, Fathi Yusuf and United Corporation

RETURN OF SERVICE

I personally served the within subpoena duces tecum by delivering a copy to Sanada Hendricks
For Custodian of Records

Dated: 7-30-14

By: 

RETURN OF SERVICE

This is to certify that _____ cannot be found in this jurisdiction.

Dated: _____

By: _____

RETURN OF SERVICE

I hereby certify that I served the within subpoena duces tecum by leaving a copy at _____, the usual place of abode, with _____, a member of his/her family over the age of 14 years, then residing with him/her.

Dated: _____

By: _____

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery,* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fail to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

1. **Any and all** statements, transaction and/or portfolio summaries, checks, deposits and deposit slips, wire transfers, disbursements and any other evidence of activity pertaining to any and all accounts, portfolios, checking, savings, money market or otherwise held in the name of Mohammad Hamed, either individually or jointly from 1986 through the present, including but not limited to Account Nos. 191-054453 and 4549 2700 6239 3011.
2. **Any and all** statements, transaction and/or portfolio summaries, checks, deposits and deposit slips, wire transfers, disbursements and any other evidence of activity pertaining to any and all accounts, portfolios, checking, savings, money market or otherwise in which Mohammad Hamed, either individually or jointly, had signatory authority from 1986 through the present.