

**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

NOTICE OF INTENT TO SERVE SUBPOENA

TO:

THE HONORABLE TAMARA BERMUDEZ

Chief Deputy Clerk
R. H. Amphlett Leader
Justice Complex
RR1 9000
1st Floor, Room 101
Kingshill, VI 00850

GREGORY H. HODGES

Dudley, Topper and Feuerzeig, LLP
Law House, 10000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00802
(340) 715-4405
Email: ghodges@dtflaw.com

NIZAR A. DEWOOD

The Dewood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820
(340) 773-3444
Email: dewoodlaw@gmail.com

MARK W. ECKARD

Eckard, P.C.
1 Company St.
P.O. Box 24849
Christiansted, VI 00824
(340) 514-2690
mark@markeckard.com

Jeffrey B. C. Moorhead

1132 King Street
Christiansted, VI 00820
email : jeffreymlaw @yahoo.com

PLEASE TAKE NOTICE that on September 30, 2014, or as soon thereafter as service may be effectuated, and pursuant to Federal Rule of Civil Procedure 45 as adopted by this Court, the undersigned will issue and serve the Subpoenas attached hereto as "Exhibit A", for a deposition and the production of the items listed (if any) in said Subpoena at the time and place specified therein.

Dated: October 1, 2014



Carl J. Hartmann III, Esq.
5000 Estate Coakley Bay, L-6
Christiansted, VI 00820
(340) 719-8941
carl@carlhartmann.com

Joel H. Holt, Esq.
Counsel for Plaintiff
Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, St. Croix
U.S. Virgin Islands 00820
(340) 773-8709
holtvi@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of October, 2014, I served a copy of the foregoing by email, as agreed by the parties, on:

Nizar A. DeWood

The DeWood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820
dewoodlaw@gmail.com

Gregory H. Hodges

Law House, 10000 Frederiksberg Gade
P.O. Box 756
ST.Thomas, VI 00802
ghodges@dtflaw.com

Mark W. Eckard

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

Jeffrey B. C. Moorhead

1132 King Street
Christiansted, VI 00820
email : jeffreymlaw @yahoo.com

A handwritten signature in blue ink, reading "Carl J. Harbman". The signature is written in a cursive style with a long horizontal flourish at the end.

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: **Maher Fathi Yusuf**

ADDRESS: 306-A Judith's Fancy, Christiansted, Virgin Islands 00820

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

DATE AND TIME

Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, VI 00820

Friday, October 10,
2014 at 10:00 a.m.

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

PLACE:	DATE AND TIME:
---------------	-----------------------

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:

Joel H. Holt, Esq.
Counsel for Mohammad Hamed
Law Offices of Joel H. Holt
2132 Company Street
Christiansted, VI 00820
Phone: (340) 773-8709
Email: holtvi.aol

RETURN OF SERVICE

I personally served the within subpoena duces tecum by delivering a copy to _____

Dated: _____ 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) fails 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.

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: **Nejeh Yusuf**

ADDRESS: 4605 Tutu Park Mall, Ste 200, St Thomas, US Virgin Islands 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

DATE AND TIME

Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, VI 00820

Friday October 10,
2014 at 2:00 p.m.

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):

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

PREMISES	DATE AND TIME:
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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
--	-------------

ISSUING ATTORNEY'S ADDRESS AND TELEPHONE NUMBER:
Joel H. Holt, Esq.
Counsel for Mohammad Hamed
Law Offices of Joel H. Holt
2132 Company Street
Christiansted, VI 00820
Phone: (340) 773-8709
Email: holtvi.aol

RETURN OF SERVICE

I personally served the within subpoena duces tecum by delivering a copy to _____

Dated: _____ 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.

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- (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
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(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.

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(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.

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(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.

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: **Yusuf Yusuf**

ADDRESS: 92a La Grande Princesse, Christiansted, Virgin Islands 00820

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

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PLACE OF DEPOSITION

DATE AND TIME

Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, VI 00820

Saturday, October 11,
2014 at 10:00 a.m.

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):

PLACE:	DATE AND TIME:
---------------	-----------------------

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

PREMISES	DATE AND TIME:
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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:

Joel H. Holt, Esq.
Counsel for Mohammad Hamed
Law Offices of Joel H. Holt
2132 Company Street
Christiansted, VI 00820
Phone: (340) 773-8709
Email: holtvi.aol

RETURN OF SERVICE

I personally served the within subpoena duces tecum by delivering a copy to _____

Dated: _____ 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.

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- (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.

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(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.

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(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.

C. **Yusuf Yusuf** on Saturday, October 11, 2014, at 10:am, at the Office of Joel H. Holt, 2132 Company Street, Christiansted, St. Croix, VI 00804.

Said depositions will be taken before a Notary Public commissioned by the Territory of the Virgin Islands or other person qualified to administer the oath and take depositions. Said deposition is being taken for use as evidence and for purposes of discovery of evidence and may be continued from day to day until completed.

Dated: September 23, 2014

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, reading "Carl J. Hartmann III", written in black ink over a horizontal line.

Carl J. Hartmann III, Esq. (Bar No. 48)
Counsel for Waheed Hamed
5000 Estate Coakley Bay, L-6
Christiansted, VI 00820
Telephone: (340) 719-8941
Email: carl@carlhartmann.com

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of September, 2014, I served a copy of the foregoing document by email, as agreed by the parties, on:

Nizar A. DeWood

The DeWood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820

Gregory H. Hodges

Law House, 10000 Frederiksberg Gade
P.O. Box 756
ST. Thomas, VI 00802
ghodges@dtflaw.com

Jeffrey B. C. Moorhead

1132 King Street
Christiansted, VI 00820
email : jeffreymlaw@yahoo.com
(340) 773-2539 (tele)

Joel H. Holt, Esq.

Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, VI 00820
Email: holtvi@aol.com



Carl J. Harbman