



the Court that same day.

2. Waheed served his responses to the Requests for Production (the “Responses”) on June 26, 2014. See, Exhibit B.

3. The Responses failed to produce a single responsive document to the Requests for Production. Instead, Waheed provided a litany of “boilerplate,” non-specific objections.

4. On July 2, 2014, counsel for Yusuf sent a letter to Waheed’s counsel identifying each issue and/or discovery request in dispute and Yusuf’s position regarding each issue along with relevant legal authority. Furthermore, Yusuf explained that he would seek to compel complete responses if Waheed did not provide a supplement within-ten (10) days-and/or meet and confer with Yusuf. See Exhibit C - Letter dated July 2, 2014.

5. At that time, Waheed did not supplement his Responses.

6. On July 15, 2014, counsel for Yusuf and Waheed participated in a telephonic conference in an attempt to resolve as many of the disputed issues as possible. However, the parties were unable to resolve any of their differences concerning insufficiency of the Counterclaim Defendants’ Responses to the Requests for Production.

7. Thereafter, counsel participated in a number of telephonic conferences again attempting to resolve their discovery differences.

8. It was not until September 29, 2014, the day before the discovery period was to close, that Waheed served supplemental responses (“Supplemental Responses”) upon Yusuf. However, service of the Responses did not include service of the physical documents. See Exhibit D – Supplemental Responses and Notice of Filing Supplemental Responses. As of the

close of business on Friday, October 3, 2014, no new physical documents have been received.<sup>1</sup>

9. It appears from the production listing in the September 29, 2014 Supplemental Responses that there are new documents that had not been produced previously, which have not been received. Otherwise, the information deemed responsive included only information previously produced in the case.

10. Until the remaining information is received and analyzed it is unclear if the new information will otherwise satisfy the deficiencies. However, given the relatively small quantity of new information that is listed as being provided, it is doubtful this new production will satisfy the other deficiencies. Should the new production satisfy the deficiencies-then Yusuf will alert the Court as to those matters that no longer require the Court's attention.

11. Counsel have attempted to resolve their differences but have been unsuccessful in doing so as they acknowledges that they each continue to maintain their positions as to the discovery submitted, responses, objections and documents exchanged. See Exhibit E – Stipulation per LRCi 37.2(a).

## II. ARGUMENT

### A. General Deficiencies In All Responses

Waheed objected to virtually all of the Requests for Production on various grounds and initially failed to produce a single responsive document. The objections were obstructionist and calculated to thwart the free flow of information in the discovery process. The objections are conclusory and unsupported. Thus, the objections are insufficient. See, e.g., Pulsecard, Inc. v. Discover Card Servs., 1995 U.S. Dist. LEXIS 13111 at \*21-22 (D. Kan. 1995)(“The party

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<sup>1</sup> Given the late filings and production, the parties mutually agreed to extend the filing of motions to compel until October 6, 2014.

opposing discovery cannot simply make conclusory allegations that the request is irrelevant, but must specifically show how each discovery request is irrelevant”). This is because “[o]bjections should be plain and specific enough so that the court can understand in what way the [discovery is] alleged to be objectionable.” Coregis Ins. Co. v. Baratta & Fenerty, Ltd., 187 F.R.D. 528, 530 (E.D. Pa. 1999); see also McLeod, Alexander, Powel & Apffel, P.C. v. Quarles, 894 F.2d 1482, 1485 (5th Cir. 1990) (objections that requests were overly broad, burdensome, oppressive, and irrelevant were insufficient to meet party's burden to explain why discovery requests were objectionable).

Boilerplate objections in response to a Rule 34 request for production of documents are widely rejected. McLeod, Alexander, Powel & Apffel, P.C. v. Quarles, 894 F.2d 1482, 1485 (5th Cir. 1990) (finding insufficient, objections to document requests on the grounds that they were overly broad, burdensome and oppressive); Sabol v. Brooks, 469 F. Supp. 2d 324, 328-29 (D.Md. 2006) (court found that an out-of-state nonparty ordered to appear for an examination in aid of judgment had violated Rule 34 when it objected to discovery on the grounds that it was overly broad, vague and sought information not reasonably calculated to lead to the discovery of admissible evidence because it failed “to make particularized objections to document requests,” which constituted waiver of those objections); St. Paul Reins. Co., Ltd. v. Commercial Fin. Corp., 198 F.R.D. 508, 512 (N.D. Iowa 2000) (Boilerplate objections, including that a particular document request was oppressive, burdensome and harassing, were “[i]n every respect . . . textbook examples of what federal courts have routinely deemed to be improper objections.”); Momah v. Albert Einstein Med. Ctr., 164 F.R.D. 412, 417 (E.D. Pa. 1996) (“Mere recitation of the familiar litany that an interrogatory or a document production request is ‘overly

broad, burdensome, oppressive and irrelevant will not suffice.”). *Id.* at 528-29. Thus, because Waheed merely recites a familiar litany of objections as to the discovery requests, the Court should order them to respond to each of Yusuf’s request for production fully, completely, and in conformance with Fed. R. Civ. P. 34(b)(2).

Further, to the extent that Waheed does not have any documents that are responsive to a particular request, Waheed must provide Yusuf with a statement **under oath** that no responsive documents exist. *See, e.g.*, 7 MOORE’S FEDERAL PRACTICE - Civil § 34.13 (“[W]hen a response to a production of documents is not a production or an objection, but an answer, the party must answer under oath. For example, when a party claims that all the requested documents have already been produced, it must state that fact under oath in response to the request”); *Jensen v. Boston Ins. Co.*, 20 F.R.D. 619, 621 (D. Cal. 1957) (“If the documents sought are not in existence, it is incumbent upon the objecting party or parties to so state under oath and not by way of a general unverified allegation”); *B & K Mech., Inc. v. Wiese*, 2005 U.S. Dist. LEXIS 21005 at \*14 (D. Kan. Sept. 21, 2005) (“when the records at issue are, by their nature, of a type that would normally be kept in the business of the producing party, and within that party’s control, then the court can presume that the records exist and are within the control of the party unless the party denies their existence under oath”); *Vazquez-Fernandez v. Cambridge College, Inc.*, 269 F.R.D. 150, 154 (D.P.R. 2010) (same). This has not been done.

**B. Specific Deficiencies**

As virtually all of the Discovery Requests were objected to upon multiple grounds, the specific discovery requests at issue are categorized by type of objection or deficiency as follows:

- Objections that Requests were Overly Broad and Unduly Burdensome

- Objections as to Relevancy
- Objections that Requests were Overbroad as to Time Prior to 2006
- Objections as to Untimely Service of Requests for Production
- Objections as to Attorney-Client and Work Product Objections Without a Privilege Log
- Lack of Diligent Search and Oath
- No Stipulation Exists Excusing Production.

As evidenced by his initial failure to produce any documents and reliance on general objections, Waheed's Responses can hardly be considered responsive at all. Indeed, as virtually all of the Discovery Requests were effectively unanswered and/or evaded by Waheed, reference to the specific requests and Yusuf's position would be voluminous and exceed the page limits imposed by LRCi 7.1. Accordingly, rather than reiterate all the Discovery Requests in the body of this motion, Yusuf incorporates by reference his July 2, 2014 letter (attached as Exhibit C). Waheed's Supplemental Responses do attempt to provide some responses but until the physical documents are received, it is unclear if these documents alleviate the deficiencies. Mostly, Waheed simply stated that he was not in possession of the responsive documents or that they were part of the records seized by the FBI.

Even if Waheed no longer has possession of additional documents and has stored the documents or otherwise transferred them to third parties, he must still produce those responsive documents. Indeed, "[i]t is well established that 'control' under Fed. R. Civ. P. 34 is to be broadly construed so that a party may be obligated to produce documents requested even though it may not actually possess the documents. Thus, as long as the party has the legal right or

ability to obtain the documents from another source on demand, that party is deemed to have ‘control.’” Poole v. Textron, Inc., 192 F.R.D. 494, 501 (D. Md. 2000); *see also*, Camden Iron & Metal, Inc. v. Marubeni America Corp., 138 F.R.D. 438, 441 (D.N.J. 1991); Alexander v. FBI, 194 F.R.D. 299, 301 (D.D.C. 2000). If Waheed claims that no responsive documents exist, he must submit a sworn statement to that effect.

### C. Mandatory Disclosures

In addition to the discovery issues addressed above, as required by FED. R. CIV. P. 26(a)(1)(D), within thirty (30) days after being served or joined, new parties are required to submit their mandatory disclosures. Service of the Counterclaims and Amended Counterclaim was made on Waheed in February of 2014. Waheed’s disclosures were due in March, 2014. Such disclosures should provide much of the information sought in the Requests for Production, including “a copy-or a description by category and location-of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses...” FED. R. CIV. P. 26(a)(1)(D). This is yet another reason that the objections raised are without merit and demonstrate bad faith as such information is required to be disclosed. Although Yusuf has raised this issue, Waheed has not filed his mandatory disclosures and, thus, has unnecessarily required the Court’s intervention to compel disclosure of basic information that is required to be disclosed.

### C. This Court should find that Waheed’s unjust refusal to provide responses requires the imposition of sanctions.

Pursuant to Fed. R. Civ. P. 37(a)(5)(A), “[i]f the motion [to compel] is granted — or if the disclosure or requested discovery is provided after the motion was filed — the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated

the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees." See also Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863, 869 (3d Cir. 1984) (stating that "the district court is specifically authorized to impose on an attorney those expenses, including attorneys' fees, caused by unjustified failure to comply with discovery orders or pretrial orders"); GMAC Bank v. HTFC Corp., 2008 U.S. Dist. LEXIS 15878 at \*32 (E.D. Pa. 2008) ("Sanctions under Rule 37(a)(5)(A) have a compensatory purpose"). There is no question that Waheed has not complied with Yusuf's Discovery Requests because his Responses and Supplemental Responses are incomplete, non-responsive, and, in many instances, grounded on baseless objections. See, e.g., Richir v. Vill. of Fredonia, 2008 U.S. Dist. LEXIS 28028 at \*12-13 (W.D.N.Y. Apr. 4, 2008) (awarding sanctions against Defendant because Plaintiff was required to file a motion to compel due to Defendant's incomplete responses). Yusuf has given Waheed a significant amount of additional time to provide full and complete responses as well as to produce their required Mandatory Disclosures but no information has been forthcoming. Thus, for these reasons, this Court should order Waheed to pay Yusuf's attorneys' fees and costs for making this motion.

### CONCLUSION

For all of the foregoing reasons, Yusuf respectfully requests that this Court enter an Order: (1) compelling Waheed to provide complete, non-evasive discovery responses in compliance with Fed. R. Civ. P. 34 and to provide Mandatory Disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(A), within ten (10) days of such Order; (2) awarding Yusuf his costs and attorneys' fees incurred in connection with his Motion, and; (3) granting such further relief as is just and proper.



Respectfully submitted,

**DUDLEY, TOPPER and FEUERZEIG, LLP**

Dated: October 6th, 2014

By:



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of August, 2014, I caused the foregoing **MEMORANDUM IN SUPPORT OF MOTION TO COMPEL RESPONSES TO DISCOVERY REQUESTS AND FOR SANCTIONS AS TO WAHEED HAMED** to be served upon the following via e-mail:

Joel H. Holt, Esq.  
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Michelle Barker

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

MOHAMMAD HAMED, by his )  
authorized agent WALEED HAMED, )  
 )  
Plaintiff/Counterclaim Defendant, )  
 )  
vs. )  
 )  
FATHI YUSUF and UNITED CORPORATION, )  
 )  
Defendants/Counterclaimants, )  
 )  
vs. )  
 )  
WALEED HAMED, WAHEED HAMED, )  
MUFEEED HAMED, HISHAM HAMED, and )  
PLESSEN ENTERPRISES, )  
 )  
Additional Counterclaim Defendants. )  
 )  
 )

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

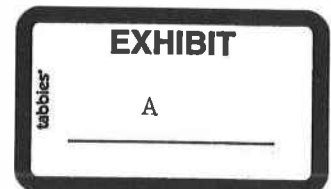
JURY TRIAL DEMANDED

FATHI YUSUF'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
WAHEED HAMED

TO: **Waheed Hamed, Additional Counterclaim Defendant**  
c/o Carl Hartmann, III, Esq.  
5000 Estate Coakley Bay, # L-6  
Christiansted VI 00824

Defendant/counterclaimant Fathi Yusuf, through his undersigned counsel, pursuant to Super. Ct. R. 39(a) and Fed. R. Civ. P. 34, hereby propounds the following Requests for Production of Documents to Additional Counterclaim Defendant Waheed Hamed to be answered separately and fully in writing within thirty (30) days from the date hereof.

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### INSTRUCTIONS FOR ANSWERING

1. You are required, in responding to this request to obtain and furnish all information available (or available, upon demand) to you and any of your representatives, employees, agents, brokers, servants, or attorneys and to obtain and furnish all information that is in your possession or under your control, or in the possession or under the control of any of your representatives, employees, agents, servants or attorneys. In addition, "control" under Fed. R. Civ. P. 34 is broadly construed and, therefore, you are obligated to produce documents requested as long as you may have the legal right and/or ability to obtain the documents from another source on demand.
2. Each request which seeks information relating in any way to communications to, from, or within a business and/or corporate entity is hereby designated to demand, and should be construed to include, all communications by and between representatives, employees, agents and/or servants of the business and/or corporate entity.
3. Each request should be responded to separately. However, a document that is responsive to more than one request may, if the relevant portion is marked or indexed, be produced and referred to in a later response.
4. All documents produced shall be segregated and identified by the request to which they are primarily responsive. For any documents that are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner as to preserve and identify the file from which such documents were taken.
5. If you object to part of any request, please furnish documents responsive to the remainder of the request.
6. Each request refers to all documents that are either known by you to exist or that can be located or discovered by reasonably diligent efforts.
7. The documents produced in response to this request shall include all attachments, metadata, and enclosures.
8. The documents requested for production include those in the possession, custody, or control of you, your agents, representatives, or attorneys.
9. References to the singular include the plural.

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10. The use of any tense of any verb shall be considered also to include within its meaning all other tenses of the verb so used.
11. Please note that you are under a continuing duty to seasonably supplement the production with documents obtained subsequent to the preparation and filing of a response to each request.
12. All documents called for by any request for which you claim a privilege or statutory authority as a ground for non-production shall be listed chronologically as follows:
  - a) The place, date and manner of recording or otherwise preparing the document;
  - b) The name and title of the sender;
  - c) The identity of each person or persons (other than stenographic or clerical assistants) participating in the preparation of the document;
  - d) The identity of each person to whom the contents of the document have been communicated by copy, exhibition, sketch, reading or substantial summarization, the dates of such communication, and the employer and title of such person at the time of the communication;
  - e) Type of document;
  - f) Subject matter (without revealing the relevant information for which privilege or statutory authority is claimed); and
  - g) Factual and legal basis for claim, privilege or specific statutory or regulatory authority which provides the claimed ground for non-production.
13. Each request to produce a document or documents shall be deemed to call for the production of the original document or documents to the extent that they are in, or subject to, directly or indirectly, the control of the party to whom this request is addressed. In addition, each request should be considered as including a request for separate production of all copies and, to the extent applicable, preliminary drafts of documents that differ in any respect from the original or final draft or from each other (e.g., by reason of differences in form or content or by reason of handwritten notes or comments having been added to one copy of a document but not on the original or other copies thereof).
14. All documents produced in response to this request shall be produced notwithstanding the fact that portions thereof may contain information not requested.
15. If any documents requested have been lost or destroyed, the documents so lost or destroyed shall be identified by author, date and subject matter.
16. Where exact information cannot be furnished, estimated information is to be supplied to the extent possible. Where estimation is used, it should be so indicated, and an

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explanation should be given as to the basis on which the estimate was made and the reason exact information cannot be furnished.

17. With respect to any document requested which was once in your possession, custody or control, but no longer is, please indicate the date the document ceased to be in your possession, custody or control, the manner in which it ceased, and the name and address of its present custodian.
18. Unless otherwise indicated, each request is to be construed as encompassing all documents which pertain to the stated subject matter and to events which transpired giving rise to this litigation up to the present.
19. Foreign language (i.e. in a language other than English) documents must be produced if the meaning and/or definition of the words in the document may cause the document to be responsive to any request. If you are in possession of English and foreign language versions of the same document, all versions of the document must be produced.

#### DEFINITIONS

A. For the purpose of these Requests, the following words shall have the meaning indicated below:

- A. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these requests any information which might otherwise be construed to be outside their scope.
- B. "Any/All" shall both mean any and all as appropriate in order to bring within the scope of these requests information and documents which might otherwise be considered to be beyond their scope.
- C. "Communication" or "communications" means the written or oral transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- D. "Company" or "entity" means any form of business whatever organized, including, without limitation, any corporation, sole proprietorship, partnership (general or limited), joint venture, association, group, government agency, firm or other business enterprise or legal entity which is not a natural person, and means both the singular and plural.
- E. "Criminal Case" means Case No. 1:05-CR-00015-RLF-GWB pending in the District Court of the Virgin Islands, Division of St. Croix.

- F. "Defendants" means Yusuf and United, collectively.
- G. "Define" when used with reference to a phrase or term, means (a) state the meaning of the phrase or term; and (b) identify each person known by you to have personal knowledge regarding the meaning of such phrase or term upon whose testimony you or Hamed presently intends to rely at trial.
- H. "Describe" means to explain fully by reference to underlying facts rather than conclusions of fact or law.
- I. "Document" means any handwritten, typewritten, printed, transcribed, impressed, recorded or other physical or tangible embodiment of a communication within the scope of Fed. R. Civ. P. 34(a)(1), however produced or reproduced, now or at any time in your possession, custody or control, including but not limited to: letters, notes, preliminary drafts (including metadata), reports, spreadsheets, emails, electronic messages and/or online chats (i.e. twitter, facebook, blog, message), text messages, memoranda, interoffice communications, analyses, minutes, contracts, agreements, cables; telegrams, statements, entries, affidavits, briefs, pleadings, decrees, transcriptions, recordings, diagrams, charts, photographs, and articles, and any copies, facsimiles or reproductions of the foregoing, no matter how or by whom prepared, and all drafts prepared in connection with the foregoing. Without limitation of the term "control" as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual physical possession thereof. If any document requested was in your possession or subject to your control, but is no longer, state what disposition was made of it, and the date or dates on which such disposition was made.
- J. "Hamed" means Mohammed Hamed and his present and former agents, attorneys, employees, representatives, affiliated companies, and any persons or entities associated or affiliated with him.
- K. "Identify" means as follows:
- (A) "Identify" and "identification" when used with reference to a natural person, means to state his or her (a) full name; (b) present business and/or residence address and telephone numbers; (c) present business affiliation, address, title or position; (d) if different from (c), the group, organization or business the person was representing at any time relevant to the answer to a specific request; and (e) home address. If this information is not known, furnish such information as was last known.

(B) "Identify" and "identification" when used with reference to a business entity, means to state its (a) full name; (b) form or organization (e.g., corporation, partnership); (c) place of incorporation; and (d) address of its principal place of business. If this information is not known, furnish such information as was last known.

(C) "Identify" and "identification" when used with reference to an act, action, activity, omission or event, means to state (a) the identity of persons who participated in such act, action, activity, omission, or event; (b) the date and place of such act, action, activity, omission, or event in detail; and (c) the identity of each person having knowledge of the act, action, activity, omission, or event.

(D) "Identify" and "identification" when used in reference to a document, means to state (a) the type of document or some other means of identifying it (e.g., letter, memorandum, report, etc.); (b) its subject matter; (c) the identity of its author(s), signer(s), and any person who participated in its preparation; (d) the identity of each addressee or recipient; (e) the identity of each person to whom copies were sent and each person by whom copies were received; (f) its title and date; and (g) its present location and the identity of its custodian (if any such document was, but is no longer in, the possession of or subject to your or Hamed's control, state what disposition was made of it).

(E) "Identify" and "Identification" when used with reference to a conversation, oral communication, discussion, oral statement or interview, means (a) state the date upon which it took place; (b) identify each person who participated in it, witnessed it and/or overheard it; (c) state what was said by each such person, including the issues and matters discussed; and (d) identify each document which describes or relates to it.

L. "Individual" or "Person" means any natural person, including without limitation, an officer, director, employee, agent, representative, distributor, supplier, independent contractor, licensee or franchisee, and it includes any corporation, sole proprietorship, partnership, joint venture, group, government agency and agent, firm or other business enterprise or legal entity, which is not a natural person, and means both the singular and the plural.

M. "Parties" means all parties to this litigation.

N. "Partners" means Yusuf and Hamed.

O. "Partnership" means the association of Yusuf and Hamed to carry on as co-owners the business of the Plaza Extra Stores.

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- P. "Person" includes a corporation, partnership or other business associate or entity, natural person and any government or governmental body, commission, board or agency.
- Q. "Pertain to" or "pertaining to" means relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- R. "Plaza Extra Accounts" means any bank account in which money generated from the operation of the Plaza Extra Stores has been deposited.
- S. "Plaza Extra Stores" means the three supermarket stores commonly referred to as Plaza Extra – East, Plaza Extra – Tutu Park, and Plaza Extra – West.
- T. "Relating to" or "related to" means consisting of, referring to, describing, discussing, constituting, evidencing, containing, reflecting, mentioning, concerning, pertaining to, citing, summarizing, analyzing or bearing any logical or factual connection with the matter discussed.
- U. "United" means United Corporation and its present and former agents, attorneys, employees, representatives, and persons or entities associated or affiliated with it.
- V. "You" or "your" means Waheed Hamed and his present and former agents, attorneys, employees, representatives, and any persons or entities associated or affiliated with him.
- W. "Yusuf" means Fathi Yusuf and his present and former agents, attorneys, employees, representatives, and any persons or entities associated or affiliated with him.

As used in this demand for production, unless it is otherwise provided or the context requires a different meaning, words importing the singular include and apply to several persons or things; words importing the masculine gender include the feminine; words used in the present tense include the future.

Documents must be catalogued by number to correspond to the appropriate request.

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*Hamed v. Yusuf et al.*

Case No. SX-12-CV-370

Yusuf's First Request for Production of Documents to Defendant Waleed Hamed

Page 8 of 14

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Whenever you wish to object for any reason to a request, you shall state the nature of your objections, identify the subject matter to which your objection pertains, and cite the legal rule upon which you rely in effecting your objection.

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## REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts, you and Hamed have or had at any bank or financial institution anywhere in the world from 1986 through the present, including but not limited to:
  - a. Chase Account No. 721-047688
  - b. Scotia Bank Account No. 34622
  - c. Banco Popular 17886-5
  - d. Raymond James & Assoc. Account No. 6084
  - e. Raymond James & Assoc. Account No. 1124
  - f. Raymond James & Assoc.-Account No.-0982
  - g. Raymond James & Assoc. Account No. 6098
  - h. Amex Gold Card (Waheed) 3782-925489-33001
  - i. Amex Gold Card (Firyal) 3782-925489-33001
  
2. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts in the name of any of your children, wife, parents, brothers, and any other third parties at any bank or financial institution anywhere in the world in which you or Hamed have or had any legal or equitable interest from January 1, 1986 to date.
  
3. Please produce all documents provided to your and Hamed's accountants from January 1, 1986 to date either for the preparation of tax returns, bookkeeping services, the preparation of financial statements, or loan applications.
  
4. Please produce all Tax Returns filed on your behalf from 1986 to present.
  
5. If you contend there were any errors made in any of your Tax Returns filed after 1986 please produce any and all documentation that demonstrates the errors in such returns and the actions you took to correct these errors.
  
6. Please produce deed(s), contract(s), lease(s), or other similar documentary evidence of your ownership of any interest (including leasehold interests) in real property, from January 1, 1986 to present (regardless if you have transferred, sold, or otherwise disposed of these assets).

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade  
P.O. Box 756

St. Thomas, U.S. Vi. 00804-0756  
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7. Please produce all statements from any brokerage or other accounts, including online based accounts, issued from January 1, 1986 to present pertaining to any stocks, bonds, stock options, debentures, mutual funds or other financial investments in which you or Hamed have or had any interest.
8. Please produce all documents relating to any cash withdrawn by the Partners from the Plaza Extra Stores from January 1, 1986 to date including all documents relating to what was done with such cash.
9. Please produce all documents relating to any cash withdrawn by you or your brothers from the Plaza Extra Stores from January 1, 1986 to date including all documents relating to what was done with such cash.
10. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to the Partners or to third parties on their behalves from January 1, 1986 to date including all documents relating to what was done with such funds.
11. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to you or your brothers or to third parties on you or your brothers behalves from January 1, 1986 to date including all documents relating to what was done with such funds.
12. Please produce all documents relating to any rent paid by or due from the Partnership for the Plaza Extra – East premises from January 1, 1986 to date including rent calculations, accounting records evidencing rent payments or rent due, claims or demands for rent, and rent payments.
13. Please produce all documents either supporting, undermining, or relating to any of the statements and information set forth in the letter from Yusuf to Hamed dated August 15, 2012 identified at FY004123-FY004210.
14. Please produce all documents relating to any documents removed from the Plaza Extra Stores prior to the FBI raid in 2001 including any documents pertaining to the destruction of receipts or other documents.
15. Please produce all documents relating to the “Black Book” and any pages missing from that document.
16. Please produce all documents the source of funds for the cash portion of the preliminary injunction bond posted in this case.

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17. Please produce all documents relating to the source of funds for the acquisition and operation of the businesses known as Five Corners and Five-H Holdings, Inc. including all documents pertaining to the organization, existence, and ownership of such businesses.
18. Please produce any financial statements prepared by or for you from January 1, 1986 to date.
19. Please produce all documents relating to the acquisition, improvement, cost of construction, and market value of all real estate in which you have or had an ownership interest from January 1, 1986 to date including all documents pertaining to the source of funds for acquisition and improvement.
20. Please produce all documents generated in or relating to the Criminal Case that pertain to your, Hamed's or your brothers' receipt of money in the form of cash, checks or wire transfers from the Plaza Extra Stores or the Plaza Extra Accounts from January 1, 1986 to date.
21. Please produce all documents relating to how proceeds or profits from the Plaza Extra Stores were distributed to you, Hamed and your family members from January 1, 1986 to date.
22. Please produce all documents relating to the removal, transfer, subsequent transfer and use of funds from any of the Plaza Extra Accounts by you, Hamed, and your family members, other than salaries or direct reimbursements of costs.
23. Please produce all documents relating to any claims or counterclaims you may have against Yusuf and United for any type of relief including, but not limited to, money damages.
24. Please produce all documents relating to all defenses or offsets you have or may have with regard to the claims of Yusuf and United.
25. Please produce all documents relating to all amounts which you, Hamed and your family members have taken from the Plaza Extra Stores or Plaza Extra Accounts beyond salaries from January 1, 1986 to date.
26. Please produce all documents relating to all funds removed by you, Hamed, or your family from the Plaza Extra Stores or Plaza Extra Accounts that were used to buy real estate or other assets, and list all assets purchased, form of ownership, the date of purchase and the percentile owners at that time and now.

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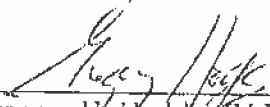
(340) 774-4422

27. Please produce all documents relating to all investigations, reports, studies, surveys, valuations or expert advise obtained by you, Hamed, and your family with regard to the Plaza Extra Stores from January 1, 2011 to date.
28. Please produce all documents relating to all witnesses you, Hamed, or your family have interviewed and may or will call at trial in this matter. Provide all witness statements, notes and information provided by them to you.
29. Please produce all accountings, valuations or other information pertaining to the valuation or division of the Plaza Extra Stores.
30. Please produce all records kept by you, Hamed, and your family for keeping track of withdrawals and amounts due to the Hameds or Yusufs from January 1, 1986 through December 31, 2003.
31. Please produce the financial documents for all accounts and transactions on those accounts for Sixteen Plus and Plessen Enterprises, Inc.
32. Please produce all documents supporting any claims of Hamed against United.
33. Please produce all documents supporting any claims of Hamed against Yusuf.
34. Please produce all documents relating to any defense you intend to assert with respect to the claims made against you in this case.
35. Please produce all documents relating to each exhibit you intend to introduce into evidence at the trial of this case.

**DUDLEY, TOPPER and FEUERZEIG, LLP**

Dated: May 23, 2014

By:

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

**MOHAMMAD HAMED**, by his  
authorized agent **WALEED HAMED**,

*Plaintiff/Counterclaim Defendant,*

vs.

**FATHI YUSUF** and  
**UNITED CORPORATION**,

*Defendants/Counterclaimants,*

vs.

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

*Counterclaim Defendants.*

**CIVIL NO. SX-12-CV-370**

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

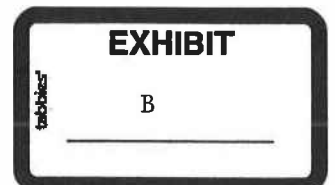
**JURY TRIAL DEMANDED**

**COUNTERCLAIM DEFENDANT WAHEED ("WILLIE") HAMED'S  
RESPONSES TO DEFENDANTS'  
REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

Waheed Hamed (referred to as "Counterclaim Defendant") hereby responds to Counterclaimants' Rule 34 Request for Production of Documents of May 23, 2014.

**General Objections:**

1. First, Willie Hamed is a defendant in a case pending in St. Thomas before Judge Dunston where Defendant-Counterclaimant United Corporation is the Plaintiff. Much of the discovery here has been asked there and responded to. That case includes the same claims as here in part, has progressed through full discovery and to motions for partial summary judgment. An order has already been entered



there by judge Dunston in which all pre-2006 discovery into issues that could have been known through allegations in the Third Indictment in the criminal case has been blocked. Thus, this is simply another attempt to improperly re-open that discovery and re-ask the same questions and all requests are therefore objected to. Moreover Defendants have tried to obtain a stipulation there that would except this case from the effects of that one -- but were unsuccessful in altering the offered stipulation to accomplish exactly what is attempted here.

2. Moreover, pending before that Court is a motion that would block any objections under the discovery rule exception to the statute of limitations defendant ~~for pre-2006 claims and would dismiss the remaining claims there~~ which would bar the same claims here as having been determined. Hamed therefore objects to such questions here.

3. Defendants have stipulated here that no discovery will be taken where the answer will implicate money laundering or other criminal acts raised in the below referenced criminal al matter. The parties are, in discovery or trial:

Not to be asked any questions in deposition or at trial with regard to the criminal case or the acts by them or others with regards to tax evasion, money laundering or related matters.

Defendants have taken advantage of that stipulation in the depositions of United, Fathi Yusuf and John Gaffney. Thus, all questions which would elicit such financial information up to the date of the Third Indictment are objected to.

**Responses:**

*1. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts, **you and Hamed** have or had at any bank or financial institution anywhere in the world from 1986 through the present, including but not limited to:*



- a. Chase Account No. 721-047688
- b. Scotia Bank Account No. 34622
- c. Banco Popular 17886-5
- d. Raymond James & Assoc. Account No. 6084
- e. Raymond James & Assoc. Account No. 1124
- f. Raymond James & Assoc. Account No. 0982
- g. Raymond James & Assoc. Account No. 6098
- h. Amex Gold Card (Waheed) 3782-925489-33001
- t. Amex Gold Card (Firyal) 3782-925489-33001

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded.

*2. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts in the name of any of your children, wife, parents, brothers, and any other third parties at any bank or financial institution anywhere in the world in which you or Hamed have or had any legal or equitable interest from January 1, 1986 to date.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded.

*3. Please produce all documents provided to your and Hamed's accountants from January 1, 1986 to date either for the preparation of tax returns, bookkeeping services, the preparation of financial statements, or loan applications.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may exist in the criminal case files that have been equally available to you since 2003.

*4. Please produce all Tax Returns filed on your behalf from 1986 to present.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Counterclaim Defendant objects to the production of such documents on the basis of harassment -- as all transactions at Plaza Extra Supermarkets after 2006 were done under the supervision of the Court. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

*5. If you contend there were any errors made in any of your Tax Returns filed after 1986 please produce any and all documentation that demonstrates the errors in such returns and the actions you took to correct these errors.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant as well.

*6. Please produce deed(s), contract(s), lease(s), or other similar documentary evidence of your ownership of any interest (including leasehold interests) in real property, from January 1, 1986 to present (regardless if you have transferred, sold, or otherwise disposed of these assets).*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Subject to these objections, none exist to Counterclaim Defendant's knowledge and certainly no such documents are in Counterclaim Defendant's possession other than the deed on my personal residence and adjoining property, which is equally available to you to obtain.

*7. Please produce all statements from any brokerage or other accounts, including online based accounts, issued from January 1, 1986 to present pertaining to any stocks, bonds, stock options, debentures, mutual funds or other financial investments in which you or Hamed have or had any interest.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant as well. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally, Object as seeking information that is not relevant and not likely to lead to relevant evidence.

*8. Please produce all documents relating to any cash withdrawn by the Partners from the Plaza Extra Stores from January 1, 1986 to date including all documents relating to what was done with such cash.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object as seeking information that is not relevant and not likely to lead to relevant evidence, particularly prior to 2006. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*9. Please produce all documents relating to any cash withdrawn by you or your brothers from the Plaza Extra Stores from January 1, 1986 to date including all documents relating to what was done with such cash.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*10. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to the Partners or to third parties on their behalves from January 1, 1986 to date including all documents relating to what was done with such funds.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*11. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to you or your brothers or to third parties on*

you or your brothers behalves from January 1, 1986 to date including all documents relating to what was done with such funds.

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Object to any materials prior to 2006 as being irrelevant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*12. Please produce all documents relating to any rent paid by or due from the Partnership for the Plaza Extra - East premises from January 1, 1986 to date including rent calculations, accounting records evidencing rent payments or rent due, claims or demands for rent, and rent payments.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Object to any materials prior to 2006 as being irrelevant. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*13. Please produce all documents either supporting, undermining, or relating to any of the statements and information set forth in the letter from Yusuf to Hamed dated August 15, 2012 identified at FY004123-FY004210.*

None in Counterclaim Defendant's possession.

*14. Please produce all documents relating to any documents removed from the Plaza Extra Stores prior to the FBI raid in 2001 including any documents pertaining to the destruction of receipts or other documents.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Object to any materials prior to 2006 as being irrelevant. Finally object as the request as stated is confusing and not intelligible as worded.

*15. Please produce all documents relating to the "Black Book" and any pages missing from that document.*

Object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Object to any materials prior to 2006 as being irrelevant.

*16. Please produce all documents the source of funds for the cash portion of the preliminary injunction bond posted in this case.*

Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

*17. Please produce all documents relating to the source of funds for the acquisition and operation of the businesses known as Five Corners and Five-H Holdings, Inc. including all documents pertaining to the organization, existence, and ownership of such businesses .*

Object as seeking information that is not relevant and not likely to lead to relevant evidence.

*18. Please produce any financial statements prepared by or for you from January 1 , 1986 to date.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

*19. Please produce all documents relating to the acquisition, improvement, cost of construction, and market value of all real estate in which you have or had an ownership interest from January 1, 1986 to date including all documents pertaining to the source of funds for acquisition and improvement.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

*20. Please produce all documents generated in or relating to the Criminal Case that pertain to your, Hamed's or your brothers' receipt of money in the*

*form of cash, checks or wire transfers from the Plaza Extra Stores or the Plaza Extra Accounts from January 1, 1986 to date.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded.

*21. Please produce all documents relating to how proceeds or profits from the Plaza Extra Stores were distributed to you, Hamed and your family members from January 1, 1986 to date.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*22. Please produce all documents relating to the removal, transfer, subsequent transfer and use of funds from any of the Plaza Extra Accounts by you, Hamed, and your family members, other than salaries or direct reimbursements of costs.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*23. Please produce all documents relating to any claims or counterclaims you may have against Yusuf and United for any type of relief including, but not limited to, money damages.*

Object as seeking information that is not relevant and not likely to lead to relevant evidence, as no such counterclaims have been filed by Counterclaim Defendant at this juncture. Also object to the untimely service of the request -- which will not

be answered until the motion presently before the Court on the issue has been decided.

*24. Please produce all documents relating to all defenses or offsets you have or may have with regard to the claims of Yusuf and United.*

Response: Object to as unduly burdensome, unduly harassing and not intelligible as worded, as Counterclaimants have not identified any claims they have against Counterclaim Defendant. Once that is done, this response will be supplemented. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

*25. Please produce all documents relating to all amounts which you, Hamed and your family members have taken from the Plaza Extra Stores or Plaza Extra Accounts beyond salaries from January 1, 1986 to date.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*26. Please produce all documents relating to all funds removed by you, Hamed, or your family from the Plaza Extra Stores or Plaza Extra Accounts that were used to buy real estate or other assets, and list all assets purchased, form of ownership, the date of purchase and the percentile owners at that time and now.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

*27. Please produce all documents relating to all investigations, reports, studies, surveys, valuations or expert advise [sic.] obtained by you, Hamed, and your family with regard to the Plaza Extra Stores from January 1, 2011 to date.*

This request is objected to as calling for expert reports that are only discoverable through the limitations of Rule 26 and not by a Rule 34 request. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

28. Please produce all documents relating to all witnesses you, Hamed, or your family have interviewed and may or will call at trial in this matter. Provide all witness statements, notes and information provided by them to you.

Object to as calling for work product of counsel and trial strategy, which is not discoverable under Rule 34.

29. *Please produce all accountings, valuations or other information pertaining to the valuation or division of the Plaza Extra Stores.*

This request is objected to as calling for expert reports that are only discoverable through the limitations of Rule 26 and not by a Rule 34 request. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

30. *Please produce all records kept by you, Hamed, and your family for keeping track of withdrawals and amounts due to the Hameds or Yusufs from January 1, 1986 through December 31, 2003.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided. Finally object as the request as stated is confusing and not intelligible as worded. To the extent this request is understood, documents may also exist in the criminal case files that have been equally available to you since 2003.

31. *Please produce the financial documents for all accounts and transactions on those accounts for Sixteen Plus and Plessen Enterprises, Inc.*

Response: Object to as unduly burdensome, unduly harassing, seeking information beyond the permissible scope of discovery and overly broad. Also Object as seeking information that is not relevant and not likely to lead to relevant evidence. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.



32. Please produce all documents supporting any claims of Hamed against United.

Object to as calling for work product of counsel and trial strategy, which is not discoverable under Rule 34. Also, Object to as that request is not a proper request to this Counterclaim Defendant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

33. Please produce all documents supporting any claims of Hamed against Yusuf.

Object to as calling for work product of counsel and trial strategy, which is not discoverable under Rule 34. Also, Object to as that request is not a proper request to this Counterclaim Defendant. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

*34. Please produce all documents relating to any defense you intend to assert with respect to the claims made against you in this case.*

Object to as calling for work product of counsel and trial strategy, which is not discoverable under Rule 34.

*35 Please produce all documents relating to each exhibit you intend to introduce into evidence at the .trial of this case.*

Object to as calling for work product of counsel and trial strategy, which is not discoverable under Rule 34. Also object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

**Dated:** June 26, 2014



**Carl J. Hartmann III, Esq.**  
*Counsel for Waheed Hamed*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of June, 2014, I served a copy of the foregoing Motion by email, as agreed by the parties, on:

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\_\_\_\_\_

DUDLEY, TOPPER AND FEUERZEIG, LLP

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CHARLOTTE K. PERRELL  
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July 2, 2014

**Via Electronic Transmission**

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RE: Hamed v. Yusuf et al,  
Superior Court of the Virgin Islands,  
Division of St. Croix  
Civil No. SX-12-CV-370

Dear Carl and Mark,

This letter shall serve as my notice of a discovery dispute pursuant to FED. R. CIV. P. 37 and LRCi 37.1, made applicable to these proceedings by Super. Ct. R. 7, relating to your clients' responses ("Responses") to the First Requests for Production of Documents ("Requests for Production") served on each of the additional counterclaim defendants, Waleed Hamed ("Waleed"), Waheed Hamed ("Waheed"), Mufeed Hamed ("Mufeed"), and Hisham Hamed ("Hisham") (collectively the "Counterclaim Defendants") on May 23, 2014.

**A. Untimely responses constitute a waiver of objections.**

The Requests for Production were served electronically on May 23, 2014. Thirty (30) days are allowed for the responses per FED. R. CIV. P. 34. Under FED. R. CIV. P. 6(d), three (3) additional days are allowed for response times as to matters served electronically. The Responses to each of the Requests for Production were due on **Wednesday, June 25, 2014**. However, the Responses were not filed until **Thursday, June 26, 2014**.

The Responses were untimely and, therefore, any objections have been waived. "[W]hen a party fails to respond to discovery requests in the time specified by the Federal Rules of Civil

**EXHIBIT**

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Carl Hartmann, III, Esq.  
Mark W. Eckard, Esq.  
July 2, 2014  
Page 2

Procedure, the failure to respond will be considered a waiver by that party of any objections that they may have had." Blue Anchor, Inc. v. Southern Seas Shipping Co., 1985 U.S. Dist. LEXIS 21003, 4-6 (E.D. Pa. Apr. 5, 1985). The District Court in Blue Anchor, held that discovery responses and objections filed after they were due constituted a waiver as to any objections to the discovery propounded. The Court found that "the passing of the thirty-day period without any objection being made or protective order being sought clearly must be considered-a waiver by Blue Anchor...of any objections they might have had." *Id.* Further, the Court held that "[r]egardless of the content of the discovery requests, Blue Anchor...have lost their opportunity to object." *Id.* The Court explained that "[i]f discovery rules are to have 'any effect or meaning, the failure to serve such objections within the time prescribed ... should be considered a waiver of such objections.'" *Id.*, citing Bohlin v. Brass Rail, Inc., 20 F.R.D. 224 (S.D. NY 1957). The parties had a duty to timely respond to discovery requests and "[i]f they had wished to object for any reasons, they had thirty days to do so." *Id.* Further, the principal of waiver has been applied with particular regularity when objections relate solely to the relevance or burdensomeness of the discovery request. Jet Plastica Industries, Inc. v. Goodson Polymers, Inc., 1991 U.S. Dist. LEXIS 16472, 1-2 (E.D. Pa. Nov. 12, 1991).

As you are both well aware, your clients have objected to virtually all of the Requests for Production on various grounds and have completely failed to produce a single responsive document. As set forth above, all of the objections have been waived as they have not been timely made. In addition to being untimely, the Responses are incomplete, non-responsive, and fail to state valid objections. Accordingly, this is a demand for additional information to supplement the untimely Responses submitted by the Counterclaim Defendants within the next ten (10) days, as there is no ability to object since *all* objections have been waived. If you believe that supplementation is unwarranted, please contact me at your earliest convenience so that we can schedule a conference as required by LRCi 37.1. If we do not receive supplemented Responses or otherwise hear from you within the next ten (10) days, we will assume that you are unwilling to confer and will move to compel more complete responses.

**B. Conclusory and unsupported objections are insufficient.**

Even though all objections have been waived, the late-filed objections are conclusory and unsupported. Thus, the objections are insufficient, even if they had been timely filed. See, e.g., Pulsecard, Inc. v. Discover Card Servs., 1995 U.S. Dist. LEXIS 13111 at \*21-22 (D. Kan. 1995) ("The party opposing discovery cannot simply make conclusory allegations that the request is irrelevant, but must specifically show how each discovery request is irrelevant"). "Objections should be plain and specific enough so that the court can understand in what way the [discovery is] alleged to be objectionable." Coregis Ins. Co. v. Baratta & Fenerty, Ltd., 187 F.R.D. 528, 530 (E.D. Pa. 1999); *see also*, McLeod, Alexander, Powel & Apffel, P.C. v. Quarles, 894 F.2d 1482, 1485 (5th Cir. 1990) (objections that requests were overly broad, burdensome, oppressive, and

Carl Hartmann, III, Esq.  
Mark W. Eckard, Esq.  
July 2, 2014  
Page 3

irrelevant were insufficient to meet party's burden to explain why discovery requests were objectionable).

### **1. Objections that Requests for Production were Overbroad and Unduly Burdensome**

Of the 35 Requests for Production, each of your clients objected to 23 of the requests as "overly broad" and "unduly burdensome." As set forth above, such objections have been waived and, in any event, such cursory objections are insufficient. Hence, Yusuf requests that Responses to Requests to Produce 1-12, 14, 18-23, 25-26, 30-31, which were objected to as "overly broad" and "unduly burdensome" be provided as such objections, in particular, have been waived and are otherwise inadequate.

### **2. Objections as to Relevancy**

In addition, each of your clients objected to 25 of the requests as "not relevant," "irrelevant" or not "likely to lead to relevant evidence." As set forth above, such objections have been waived. Further, it is clear from the sheer number of "relevancy" objections (i.e. to over 70% of the requests) that it was purely a cursory or rote objection which is improper. Hence, without stating why such a request is not relevant, any objection (to the extent not deemed waived) must be specific and demonstrate why a particular request is not relevant or calculated to lead to relevant evidence. No such showing has been made. On the contrary, the issues in this case and, in particular, as to the Counterclaim Defendants relate to funds removed from the Plaza Extra Stores by the Counterclaim Defendants. The information sought in Requests for Production Numbers 1-12, 14, 16-22, 24-26, and 30-31, to which the relevancy objection was raised, relate to financial information of the Counterclaim Defendants and back-up information relating to their financial status - information which is directly relevant to all claims and defenses in this case. Hence, Yusuf requests that Responses to Requests to Produce 1-12, 14, 16-22, 24-26, and 30-31 be provided within ten (10) days as such objections have been waived and the information sought is relevant to the pending issues.

### **3. Objections that Requests for Production were overbroad as to time prior to 2006**

Another objection repeatedly raised, but likewise waived, was that no information prior to 2006 would be produced. Filing a motion for summary judgment does not stay discovery, even if the motion raises statute of limitations arguments. Moreover, as you are well aware, the Court has indicated that it is not inclined to rule on the numerous pending motions in the immediate future. Hence, contending that the parties are waiting for a ruling that you know is not imminent demonstrates bad faith and is not a legitimate basis for failing to respond. Hence, Yusuf requests that Responses to Requests for Production 1-12, 14-15, 19-26, 30-32, and 35, be

Carl Hartmann, III, Esq.  
Mark W. Eckard, Esq.  
July 2, 2014  
Page 4

supplemented within ten (10) days as objections to such production have been waived and pending motions provide no basis to withhold the information.

#### 4. Objections as to Untimely Service of Requests For Production

The objection that the service of the requests was untimely is, likewise, without merit. Service of the discovery was entirely proper given the Court's Fourth Amended Scheduling Order, which it drew up. Hence, there is absolutely no basis to contend that the Requests for Production, served within the time allowed for fact discovery, is improper and the objection is baseless. Therefore, Yusuf requests that Responses to Requests for Production 1-12, 14, 16-26, 29-33, and 35, be supplemented within ten (10) days as objections to such production have been waived and the discovery sought was clearly timely.

#### 5. Attorney-Client and Work Product Objections without a Privilege Log

In addition, Yusuf objects to the bare assertion of the attorney-client privilege and/or work product doctrine in Responses 27, 28, and 32-35. Counterclaim Defendants must provide a privilege log or produce the documents at issue. See Smith v. V.I. Hous. Auth., 2008 U.S. Dist. LEXIS 107722 (D.V.I. Apr. 8, 2008) ("In the absence of a privilege log or a showing of the privilege as it relates to specific documents, the Court finds that Defendant has waived its objection"); Dade Eng'g Corp. v. Reese, 2006 U.S. Dist. LEXIS 32639 (D.V.I. Apr. 13, 2006) ("a party may not resist discovery based merely on a bare assertion that the challenged information is protected"). As the Counterclaim Defendants have waived and failed to properly assert any privilege and/or valid objections, they should supplement their Responses and produce all responsive documents within ten (10) days.

#### 6. Lack of Diligent Search and Oath

As to Response 13 that "none [of the documents requested are] in Counterclaim Defendants' possession," this objection is insufficient. Even if the Counterclaim Defendants have stored the documents or otherwise transferred them to third parties, they must still produce responsive documents. "It is well established that 'control' under Fed. R. Civ. P. 34 is to be broadly construed so that a party may be obligated to produce documents requested even though it may not actually possess the documents. As long as the party has the legal right or ability to obtain the documents from another source on demand, that party is deemed to have 'control.'" Poole v. Textron, Inc., 192 F.R.D. 494, 501 (D. Md. 2000); see also, Camden Iron & Metal, Inc. v. Marubeni America Corp., 138 F.R.D. 438, 441 (D.N.J. 1991); Alexander v. FBI, 194 F.R.D. 299, 301 (D.D.C. 2000). Accordingly, if the Counterclaim Defendants can obtain the requested documents on demand, they must produce those documents.

Carl Hartmann, III, Esq.  
Mark W. Eckard, Esq.  
July 2, 2014  
Page 5

If, after a reasonable search has been conducted, the Counterclaim Defendants cannot find responsive documents, then they must then provide Yusuf with a statement under oath that no responsive documents exist. See, e.g., 7 MOORE'S FEDERAL PRACTICE - Civil § 34.13 ("when a response to a production of documents is not a production or an objection, but an answer, the party must answer under oath. For example, when a party claims that all the requested documents have already been produced, it must state that fact under oath in response to the request"); Jensen v. Boston Ins. Co., 20 F.R.D. 619, 621 (D. Cal. 1957) ("If the documents sought are not in existence, it is incumbent upon the objecting party or parties to so state under oath and not by way of a general unverified allegation"); B & K Mech., Inc. v. Wiese, 2005 U.S. Dist. LEXIS 21005 at \*14 (D. Kan. Sept. 21, 2005) ("when the records at issue are, by their nature, of a type that would normally be kept in the business of the producing party, and within that party's control, then the court can presume that the records exist and are within the control of the party unless the party denies their existence under oath"); Vazquez-Fernandez v. Cambridge College, Inc., 269 F.R.D. 150, 154 (D.P.R. 2010) (same). The Counterclaim Defendants failed to comply with these provisions and thus, Yusuf requests that proper supplementation be made within ten (10) days.

#### 7. Money Laundering "Stipulation"

Although not raised as a specific objection to individual Requests for Production, Carl has asserted in his third "General Objection" that Defendants have stipulated that no information can be sought which relates to alleged "money laundering" and, therefore, objected to any Requests for Production seeking financial information up to the date of the Third Indictment. There is no such stipulation and any objection based on this non-existent stipulation has been waived. Hence, to the extent that any Response is being withheld on the basis of this "objection," Yusuf hereby demands that such information be produced within ten (10) days.

#### C. Mandatory Disclosures

In addition to the discovery issues addressed above, as required by FED. R. CIV. P. 26(a)(1)(D), within thirty (30) days after being served or joined, new parties are required to submit their mandatory disclosures. Such disclosures would provide much of the information sought in the Requests for Production, including "a copy-or a description by category and location-of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses..." This is yet another reason that the objections raised are without merit and demonstrate bad faith as such information is required to be disclosed. Although we have raised this issue in pleadings with the Court, none of the Counterclaim Defendants have filed their mandatory disclosures. Therefore, we request these disclosures be made within the next ten (10) days as well. Yusuf's disclosures have already been made and supplemented as required and may be treated as his disclosures to the Counterclaim Defendants.

DUDLEY, TOPPER AND FEUERZEIG, LLP

Carl Hartmann, III, Esq.

Mark W. Eckard, Esq.

July 2, 2014

Page 6

Finally, as set forth above, if we do not receive supplemented Responses or otherwise hear from you within the next ten (10) days, we will assume that you are unwilling to confer and will move to compel more complete responses.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charlotte K. Perrell', written over a light gray rectangular background.

Charlotte K. Perrell

cc: Fathi Yusuf  
Nizar DeWood, Esq.



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

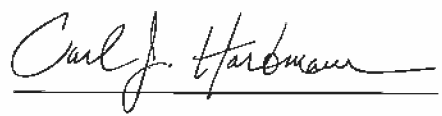
MOHAMMAD HAMED, by his )  
authorized agent WALEED HAMED, )  
 )  
 *Plaintiff/Counterclaim Defendant,* )  
 )  
 vs. )  
 )  
 FATHI YUSUF and )  
 UNITED CORPORATION, )  
 )  
 *Defendants/Counterclaimants,* )  
 )  
 vs. )  
 )  
 WALEED HAMED, WAHEED )  
 HAMED, MUFEED HAMED, )  
 HISHAM HAMED, )  
 and PLESSEN ENTERPRISES, INC., )  
 )  
           *Counterclaim Defendants.* )

CIVIL NO. SX-12-CV-370  
  
ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF AND  
DECLARATORY RELIEF  
  
JURY TRIAL DEMANDED

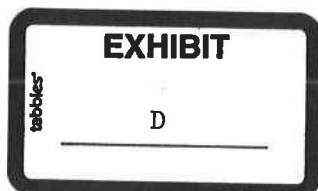
NOTICE OF COUNTERCLAIM DEFENDANT  
WAHEED HAMED'S SUPPLEMENTAL PRODUCTION OF DOCUMENTS

Counterclaim Defendant WAHEED HAMED gives notice of his filing of supplemental additional documents in response to Defendants' Requests for the Production of Documents on May 23, 2014. I caused a computer disk containing responsive documents to be sent to counsel of record on Monday, September 29, 2014, by Priority US Mail.

Dated: September 29, 2014



Carl J. Hartmann III, Esq.  
for Waheed Hamed  
5000 Est. Coakley Bay, L6  
Christiansted, VI 00820  
Telephone: (340) 719-8941  
Email: carl@carlhartmann.com



**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<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), by electronic service of this document and U.S. Priority Mail delivery of a CD on the following persons:

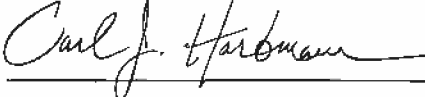
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**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

**MOHAMMAD HAMED**, by his  
authorized agent **WALEED HAMED**,

*Plaintiff/Counterclaim Defendant*,

vs.

**FATHI YUSUF** and  
**UNITED CORPORATION**,

*Defendants/Counterclaimants*,

vs.

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

*Counterclaim Defendants.*

**CIVIL NO. SX-12-CV-370**

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

**JURY TRIAL DEMANDED**

**COUNTERCLAIM DEFENDANT WAHEED HAMED'S  
SUPPLEMENTED RESPONSES TO DEFENDANTS'  
MAY 23<sup>rd</sup> REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

Counterclaim Defendant Waheed Hamed hereby supplements his prior responses to the Rule 34 request served on him on May 23, 2014.

**PRELIMINARY STATEMENT**

On June 26, 2014, Waheed ("Willy") Hamed (referred to as "Counterclaim Defendant" herein) responded to Counterclaimants' May 23<sup>rd</sup> Rule 34 Request, answering for himself personally and not in any representative capacity, stating:

. . . object to the untimely service of the request -- which will not be answered until the motion presently before the Court on the issue has been decided.

The Court, while not expressly deciding the motion for a protective order, subsequently issued a superseding "Fifth Amended Scheduling Order" which Hamed believes requires the initial response to now be supplemented with answers. Indeed, the motion for a protective order was withdrawn after the new scheduling order was entered.

In the interim, counsel met with regard to Rule 37. A discussion has been ongoing about mutual, bilateral production. On September 26, 2014, Hamed's counsel wrote to opposing counsel:

We had discussed the understanding that Willie and Mr. Yusuf would produce the same materials – something you said you were going to confirm. Mr. Yusuf has not provided any such materials. I have (today) explained why he should – but continue with the willingness to honor our discussion and live with things the way they are or reciprocate with Willie's meager documents in return.

As no final resolution has been reached, out of an abundance of caution, Waheed Hamed is producing documents before the end of the period for fact discovery.

Additionally, these answers and objections are made solely for the purpose of this action. Each answer is subject to any and all objections as to competence, relevance, materiality, propriety, and admissibility; and any and all objections and grounds that would require the exclusion of any statement contained in any response, if such request were asked of, or any statement contained therein were made by, a witness present and testifying in court, all of which objections and grounds are hereby reserved and may be interposed at the time of trial.

Finally, the following answers are based upon information presently available to Waheed Hamed and, except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that he has answered or objected to any Request should not be taken as an admission that he accepts or admits the existence of

any facts set forth or assumed by such Request, or that such answer constitutes admissible evidence. The fact that he has answered part or all of any such Request is not intended and shall not be construed to be a waiver by Yusuf of all or any part of any objection to such Request.

### **GENERAL OBJECTIONS**

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

1. Waheed Hamed objects to each Request that seeks information that is not relevant to the claims asserted against him in this case.
2. Waheed Hamed objects to each Request to the extent it seeks the disclosure or production of documents or information protected by the attorney-client, work product or other privileges.
3. Waheed Hamed objects to each Request that seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.
4. The information sought by the Requests may be as much as twenty-seven (27) years old. Documents that may be contained information relevant to the Requests may no longer be in existence. Thus any information provided herein may not be, and should not be considered complete, and may be subject to supplementation if additional information becomes available.
5. Waheed Hamed objects to defined terms and instructions to the extent that they vary from applicable law and/or impose different objections than those set forth in the Federal Rules of Civil Procedure.

### **RESPONSES**

1. *Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts, you*

*and Hamed have or had at any bank or financial institution anywhere in the world from 1986 through the present, including but not limited to:*

- a. Chase Account No. 721-04 7688*
- b. Scotia Bank Account No. 34622*
- c. Banco Popular 17886-5*
- d. Raymond James & Assoc. Account No. 6084*
- e. Raymond James & Assoc. Account No. 1124*
- f. Raymond James & Assoc. Account No. 0982*
- g. Raymond James & Assoc. Account No. 6098*
- h. Amex Gold Card (Waheed) 3782-925489-33001*
- i. Amex Gold Card (Firyal) 3782-925489-33001*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, there are no such joint accounts to my knowledge in the name of Waheed Hamed **AND** Mohammed Hamed as requested. This interpretation was discussed in the Rule 37 conference and Defendants did not thereafter amend or alter the question -- thus it is assumed the conjunction was intended.

*2. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts in the name of any of your children, wife, parents, brothers, and any other third parties at any bank or financial institution anywhere in the world in which you or Hamed have or had any legal or equitable interest from January 1, 1986 to date.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. I also object to the request as stated, as it is confusing as worded. Subject to this objection, to the extent this request is understood, Subject to these objections, please see attached **Exhibit A – List of Responsive Documents**.

*3. Please produce all documents provided to your and Hamed's accountants from January 1, 1986 to date either for the preparation of tax returns, bookkeeping services, the preparation of financial statements, or loan applications.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. I also object to the request as stated, as it is confusing as worded. Subject to those objections, to the extent I understand this request, I have no such records for the tax years prior to 2002, although some of those records were seized by the FBI for some of the years prior to that, which records have been made available to you so that you have the same access to them as I do. I did provide the attached records

to the accountant who did my tax returns for the years 2002-2012. Please see attached **Exhibit A – List of Responsive Documents**.

*4. Please produce all Tax Returns filed on your behalf from 1986 to present.*

Supplemented Response: In addition to the “General Objections” raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, I have attached the ones in my possession. Please see attached **Exhibit A – List of Responsive Documents**.

*5. If you contend there were any errors made in any of your Tax Returns filed after 1986, please produce any and all documentation that demonstrates the errors in such returns and the actions you took to correct these errors.*

Supplemented Response: There are no such documents

*6. Please produce deed(s), contract(s), lease(s), or other similar documentary evidence of your ownership of any interest (including leasehold interests) in real property, from January 1, 1986 to present (regardless if you have transferred, sold, or otherwise disposed of these assets).*

Supplemented Response: In addition to the “General Objections” raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, please see attached **Exhibit A – List of Responsive Documents**.

*7. Please produce all statements from any brokerage or other accounts, including online based accounts, issued from January 1, 1986 to present pertaining to any stocks, bonds, stock options, debentures, mutual funds or other financial investments in which you or Hamed have or had any interest.*

Supplemented Response: In addition to the “General Objections” raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. I also object to the request as stated, as the term “financial investment” is vague and not capable of clear understanding as to what was intended to be covered. Subject to these objections, to the extent this request is understood, I have attached the documents that are in my possession. Please see attached **Exhibit A – List of Responsive Documents**. I know that some documents fitting the description of items covered by this request were seized by the FBI, which records have been made available to you so that you have the same access to them as I do.

*8. Please produce all documents relating to any cash withdrawn by the Partners from the Plaza Extra Stores from January 1, 1986 to date including all documents relating to what was done with such cash.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, I have attached those documents in my possession. Please see attached **Exhibit A – List of Responsive Documents**. I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do, although the removal of cash by the partners prior to 2002 often did not involve the retention of such records, as Mike Yusuf testified in his deposition.

*9. Please produce all documents relating to any cash withdrawn by you or your brothers from the Plaza Extra Stores from January 1, 1986 to date including all documents relating to what was done with such cash.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, I have attached those documents in my possession. Please see attached **Exhibit A – List of Responsive Documents**. I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do, although the removal of cash by the family members prior to 2002 often did not involve the retention of such records, as Mike Yusuf testified in his deposition.

*10. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to the Partners or to third parties on their behalves from January 1, 1986 to date including all documents relating to what was done with such funds.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, I have attached those documents in my possession. Please see attached **Exhibit A – List of Responsive Documents**. I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do.

*11. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to you or your brothers or to third parties on you or your brothers behalves from January 1, 1986 to date including all documents relating to what was done with such funds.*



Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, I have attached those documents in my possession. Please see attached **Exhibit A – List of Responsive Documents**. I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do.

*12. Please produce all documents relating to any rent paid by or due from the Partnership for the Plaza Extra - East premises from January 1, 1986 to date including rent accounting records evidencing rent payments or rent due, claims or demands for rent, and rent payments.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, I have attached those documents in my possession. Please see attached **Exhibit A – List of Responsive Documents**. I know that some documents covered by this request prior to 2002 may have been seized by the FBI, which records have been made available to you so that you have the same access to them as I do to the extent any such records exist. However, rent was generally paid in cash to Fathi Yusuf as the owner of United's Corporation so he could avoid paying taxes on it.

*13. Please produce all documents either supporting, undermining, or relating to any of the statements and information set forth in the letter from Yusuf to Hamed dated August 15, 2012 identified at FY004123- FY004210.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as too vague and confusing to comprehend what documents are being sought. To the extent this request is understood, those documents are attached. Please see attached **Exhibit A – List of Responsive Documents**.

*14. Please produce all documents relating to any documents removed from the Plaza Extra Stores prior to the FBI raid in 2001 including any documents pertaining to the destruction of receipts or other documents.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. Subject to these objections and to the extent this request is understood, I have no such records in my possession. I know that some documents covered by this request prior to 2002 may have been seized by the FBI, which records have been made available to you so that you have the same access to them as I do to the extent any such records exist. The only document I am aware of regarding the destruction of records is the corporate deposition of United

Corporation that is equally available to you where Mike Yusuf talks about destroying records.

*15. Please produce all documents relating to the "Black Book" and any pages missing from that document.*

Supplemented Response: The "Black Book" was apparently removed from the place it was being stored (along with other items returned by the FBI) by the Yusufs without my knowledge, who also apparently removed the pages, so other than what the Yusufs produced in discovery, no such documents exist under my control, nor have I been able to locate the missing pages.

*16. Please produce all documents the source of funds for the cash portion of the preliminary injunction bond posted in this case.*

Supplemented Response: Object to as seeking irrelevant information that is not likely to lead to discoverable information. Notwithstanding this objection, to the extent we could locate such documents, they will be supplied.

*17. Please produce all documents relating to the source of funds for the acquisition and operation of the businesses known as Five Corners and Five-H Holdings, Inc. including all documents pertaining to the organization, existence, and ownership of such businesses.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. It is also objected to as seeking information that is not relevant and not likely to lead to relevant evidence. Finally, it is objected to as seeking information related to another suit, which is an improper use of discovery. This request is also objected to as too vague and confusing to comprehend what documents are being sought as far as the "acquisition" of the corporation is concerned. Notwithstanding these objections, to the extent this request is understood and without waiving any objections raised, the documents are attached. Please see attached **Exhibit A – List of Responsive Documents**.

*18. Please produce any financial statements prepared by or for you from January 1, 1986 to date.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to these objections, we are trying to locate any such documents and if located, they will be supplied.

*19. Please produce all documents relating to the acquisition, improvement, cost of construction, and market value of all real estate in which you have or had an ownership interest from January 1, 1986 to date including all*

*documents pertaining to the source of funds for acquisition and improvement.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. Subject to these objections, the documents I have that are responsive to this request are attached. Please see attached **Exhibit A – List of Responsive Documents**.

*20. Please produce all documents generated in or relating to the Criminal Case that pertain to your, Hamed's or your brothers' receipt of money in the form of cash, checks or wire transfers from the Plaza Extra Stores or the Plaza Extra Accounts from January 1, 1986 to date.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, I have no such records in my possession. I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do.

*21. Please produce all documents relating to how proceeds or profits from the Plaza Extra Stores were distributed to you, Hamed and your family members from January 1, 1986 to date.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, please refer to the responses to RFPDs numbers eight and nine. I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do. Other documents may also be in the possession of the joint criminal counsel attorneys which are also equally available to you.

*22. Please produce all documents relating to the removal, transfer, subsequent transfer and use of funds from any of the Plaza Extra Accounts by you, Hamed, and your family members, other than salaries or direct reimbursements of costs.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, please refer to the responses to RFPDs numbers eight and nine. I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do. Other documents may

also be in the possession of the joint criminal counsel attorneys which are also equally available to you.

*23. Please produce all documents relating to any claims or counterclaims you may have against Yusuf and United for any type of relief including, but not limited to, money damages.*

Supplemental Response: I have not filed a counterclaim in this case. Regarding other claims, I have a suit pending against the Defendants filed by Lee Rohn. To the extent this request seeks those documents, I object to the Defendants using this case to get materials related to that case, as it would be an ex parte communication to seek such materials without going through Attorney Rohn.

*24. Please produce all documents relating to all defenses or offsets you have or may have with regard to the claims of Yusuf and United.*

Supplemented Response: This request is objected to as too vague and confusing to comprehend what documents are being sought, as the term "defenses" is a legal term for my counsel to address, which is why I have counsel since I am not a trained lawyer. Finally, this request is objected to as seeking information protected by the work product rule. Notwithstanding this objection, to the extent this request is understood and without waiving any objections raised, I am not asserting any offsets in this case. Regarding other claims, I have a suit pending against the Defendants filed by Lee Rohn. To the extent this request seeks those documents, I object to the Defendants using this case to get materials related to that case, as it would be an ex parte communication to seek such materials without going through Attorney Rohn.

*25. Please produce all documents relating to all amounts which you, Hamed and your family members have taken from the Plaza Extra Stores or Plaza Extra Accounts beyond salaries from January 1, 1986 to date.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. Subject to these objections and to the extent this request is understood, please refer to the responses to RFPDs numbers eight and nine. I know that some documents covered by this request prior to 2002 may have been seized by the FBI, which records have been made available to you so that you have the same access to them as I do to the extent any such records exist. Another document I am aware of regarding the destruction of records is the corporate deposition of United Corporation that is equally available to you where Mike Yusuf talks about destroying records.

*26. Please produce all documents relating to all funds removed by you, Hamed, or your family from the Plaza Extra Stores or Plaza Extra Accounts that were used to buy real estate or other assets, and list all assets*

*purchased, form of ownership, the date of purchase and the percentile owners at that time and now.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. Finally, the request to "list all assets purchased, form of ownership, the date of purchase and the percentile owners at that time and now" is an interrogatory, not a request for the production of documents. Subject to these objections and to the extent this request is understood, I have no such records in my possession, although there are deeds recorded in the Virgin Islands and Jordan for property jointly owned by the Hameds and the Yusufs, which documents containing the information sought are equally available to you. I know that some documents covered by this request prior to 2002 may have been seized by the FBI, which records have been made available to you so that you have the same access to them as I do to the extent any such records exist. The only document I am aware of regarding the destruction of records is the corporate deposition of United Corporation that is equally available to you where Mike Yusuf talks about destroying records.

*27. Please produce all documents relating to all investigations, reports, studies, surveys, valuations or expert advise [sic] obtained by you, Hamed, and your family with regard to the Plaza Extra Stores from January 1, 2011 to date.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. I also object to this request to the extent it seeks items covered by the work product of counsel and trial strategy, which is not discoverable under Rule 34. Finally, to the extent this request calls for information provided to expert witnesses, this request is also objected pursuant to Rule 26, which protects such disclosures. Subject to these objections and to the extent this request is understood, I have no such documents.

*28. Please produce all documents relating to all witnesses you, Hamed, or your family have interviewed and may or will call at trial in this matter. Provide all witness statements, notes and information provided by them to you.*

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. I also object to this request to the extent it seeks items covered by the work product of counsel and trial strategy, which is not discoverable under Rule 34. Finally, to the extent this request calls for information provided to expert witnesses, this request is also objected pursuant to Rule 26, which protects such

disclosures. Subject to these objections and to the extent this request is understood, I have no such documents.

*29. Please produce all accountings, valuations or other information pertaining to the valuation or division of the Plaza Extra Stores.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. I also object to this request to the extent it seeks items covered by the work product of counsel and trial strategy, which is not discoverable under Rule 34. Finally, to the extent this request calls for information provided to expert witnesses, this request is also objected pursuant to Rule 26, which protects such disclosures. Subject to these objections and to the extent this request is understood, I have no such documents.

*30. Please produce all records kept by you, Hamed, and your family for keeping track of withdrawals and amounts due to the Hameds or Yusufs from January 1, 1986 through December 31, 2003.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. Subject to these objections and to the extent this request is understood, please refer to the responses to RFPDs numbers eight and nine. I know that some documents covered by this request prior to 2002 may have been seized by the FBI, which records have been made available to you so that you have the same access to them as I do to the extent any such records exist. The only document I am aware of regarding the destruction of records is the corporate deposition of United Corporation that is equally available to you where Mike Yusuf talks about destroying records.

*31. Please produce the financial documents for all accounts and transactions on those accounts for Sixteen Plus and Plessen Enterprises, Inc.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. The attorney for the corporations (Beckstedt), and Fathi Yusuf have most of these documents as well as the accounting employees at the Plaza stores, which information is equally available to you. The entire body of documents seized by the U.S. Government may contain some of these requested documents, which Fathi Yusuf has the access to as do I.

*32. Please produce all documents supporting any claims of Hamed against United.*

Supplemented Response: I have not filed a counterclaim in this case. Regarding other claims, I have a suit pending against the Defendants filed by Lee Rohn. To the extent this request seeks those documents, I object to the Defendants using this case to get materials related to that case, as it would be an ex parte communication to seek such materials without going through Attorney Rohn.

*33. Please produce all documents supporting any claims of Hamed against Yusuf.*

Supplemented Response: I have not filed a counterclaim in this case. Regarding other claims, I have a suit pending against the Defendants filed by Lee Rohn. To the extent this request seeks those documents, I object to the Defendants using this case to get materials related to that case, as it would be an ex parte communication to seek such materials without going through Attorney Rohn.

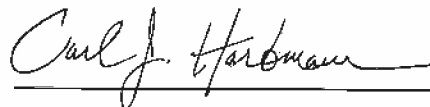
*34. Please produce all documents relating to any defense you intend to assert with respect to the claims made against you in this case.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. I also object to this request to the extent it seeks items covered by the work product of counsel and trial strategy, which is not discoverable under Rule 34. Finally, to the extent this request calls for information provided to expert witnesses, this request is also objected pursuant to Rule 26, which protects such disclosures. Subject to these objections and to the extent this request is understood, I have no such documents.

*35. Please produce all documents relating to each exhibit you intend to introduce into evidence at the trial of this case.*

Supplemented Response: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. I also object to this request to the extent it seeks items covered by the work product of counsel and trial strategy, which is not discoverable under Rule 34. Finally, to the extent this request calls for information provided to expert witnesses, this request is also objected pursuant to Rule 26, which protects such disclosures. Subject to these objections and to the extent this request is understood, I have no such documents.

**Dated:** September 29, 2014

  
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**Carl J. Hartmann III, Esq.**  
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Telephone: (340) 719-8941  
Email: carl@carlhartmann.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day of September, 2014, I served a disk containing the documents by USPS Priority mail and I served a copy of the foregoing Responses by email as agreed by the parties, on:

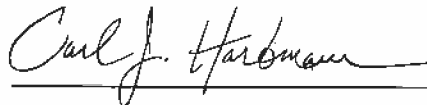
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**Waheed Hamed**  
**Exhibit A - List of Responsive Documents Produced**  
**September 29, 2014**

<b>Bate Range</b>	<b>RFPD No.</b>
HAMD611791-HAMD611791	3
HAMD611803-HAMD611803	3
HAMD611805-HAMD611805	3
HAMD611824-HAMD611824	3
HAMD611818-HAMD611818	3
HAMD611795-HAMD611795	3
HAMD611817-HAMD611817	3
HAMD611811-HAMD611811	3
HAMD611797-HAMD611797	3
HAMD611809-HAMD611809	3
HAMD611812-HAMD611812	3
HAMD611796-HAMD611796	3
HAMD611807-HAMD611807	3
HAMD611804-HAMD611804	3
HAMD611814-HAMD611814	3
HAMD611808-HAMD611808	3
HAMD611823-HAMD611823	3
HAMD611822-HAMD611822	3
HAMD611800-HAMD611800	3
HAMD611798-HAMD611798	3
HAMD611813-HAMD611813	3
HAMD611792-HAMD611792	3
HAMD611801-HAMD611801	3
HAMD611799-HAMD611799	3
HAMD611794-HAMD611794	3
HAMD611821-HAMD611821	3
HAMD611816-HAMD611816	3
HAMD612371-HAMD612380	3
HAMD611826-HAMD611826	03, 04
HAMD611827-HAMD611827	03, 06, 07
HAMD611820-HAMD611820	03, 06, 19
HAMD611810-HAMD611810	03, 07
HAMD611790-HAMD611790	03, 07
HAMD611819-HAMD611819	03, 07
HAMD611802-HAMD611802	03, 07
HAMD611793-HAMD611793	03, 07
HAMD611806-HAMD611806	03, 07
HAMD611825-HAMD611825	03, 07
HAMD611788-HAMD611788	03, 07
HAMD611789-HAMD611789	03, 07
HAMD611815-HAMD611815	03, 07
HAMD612381-HAMD612385	03, 07
HAMD606943-HAMD606948	4
HAMD606952-HAMD606955	4

**Waheed Hamed**  
**Exhibit A - List of Responsive Documents Produced**  
**September 29, 2014**

Bate Range	RFPD No.
HAMD580815-HAMD580819	08, 09, 13
<b>Document Produced Previously -- Not Included in this Production</b>	
HAMD610809-HAMD610810	2
HAMD611002-HAMD611004	2
HAMD610836-HAMD610837	2
HAMD563345-HAMD563346	4
HAMD563347-HAMD563350	4
HAMD563351-HAMD563356	4
HAMD562231-HAMD562232	08, 09
HAMD203764-HAMD203767	08, 09
HAMD562193-HAMD562194	08, 09
HAMD203422-HAMD203423	08, 09
HAMD277362-HAMD277363	08, 09
HAMD261896-HAMD261897	08, 09
HAMD255290-HAMD255291	08, 09, 13
HAMD593179-HAMD593181	08, 09, 13
HAMD593177-HAMD593178	08, 09, 13
HAMD593190-HAMD593191	08, 09, 13
HAMD255166-HAMD255167	08, 09, 13
HAMD255164-HAMD255165	08, 09, 13
HAMD593188-HAMD593189	08, 09, 13
HAMD580605-HAMD580606	08, 09, 13
HAMD591981-HAMD591981	08, 13
HAMD212728-HAMD212728	09, 13
HAMD227947-HAMD227947	09, 13
HAMD212702-HAMD212702	09, 13
HAMD595895-HAMD595895	09, 13
HAMD595888-HAMD595888	09, 13
HAMD227924-HAMD227924	09, 13
HAMD227925-HAMD227925	09, 13
HAMD227956-HAMD227956	09, 13
HAMD227920-HAMD227920	09, 13
HAMD227957-HAMD227957	09, 13
HAMD212533-HAMD212533	09, 13
HAMD227958-HAMD227958	09, 13
HAMD227950-HAMD227951	09, 13
HAMD595885-HAMD595885	09, 13
HAMD211372-HAMD211372	09, 13
HAMD212003-HAMD212003	09, 13
HAMD212007-HAMD212007	09, 13
HAMD227954-HAMD227955	09, 13
HAMD212700-HAMD212700	09, 13
HAMD213105-HAMD213106	09, 13

**Waheed Hamed**  
**Exhibit A - List of Responsive Documents Produced**  
**September 29, 2014**

Bate Range	RFPD No.
HAMD227926-HAMD227926	09, 13
HAMD227940-HAMD227940	09, 13
HAMD213143-HAMD213143	09, 13
HAMD591982-HAMD591982	09, 13
HAMD227949-HAMD227949	09, 13
HAMD213140-HAMD213140	09, 13
HAMD212906-HAMD212906	09, 13
HAMD227922-HAMD227922	09, 13
HAMD227917-HAMD227917	09, 13
HAMD211371-HAMD211371	09, 13
HAMD227919-HAMD227919	09, 13
HAMD227970-HAMD227970	09, 13
HAMD213152-HAMD213152	09, 13
HAMD227930-HAMD227930	09, 13
HAMD212701-HAMD212701	09, 13
HAMD211410-HAMD211410	09, 13
HAMD213139-HAMD213139	09, 13
HAMD211941-HAMD211941	09, 13
HAMD227929-HAMD227929	09, 13
HAMD211405-HAMD211406	09, 13
HAMD595891-HAMD595891	09, 13
HAMD212726-HAMD212726	09, 13
HAMD212704-HAMD212704	09, 13
HAMD212712-HAMD212712	09, 13
HAMD227952-HAMD227952	09, 13
HAMD211375-HAMD211375	09, 13
HAMD213110-HAMD213110	09, 13
HAMD227943-HAMD227943	09, 13
HAMD213148-HAMD213148	09, 13
HAMD595889-HAMD595889	09, 13
HAMD212727-HAMD212727	09, 13
HAMD227928-HAMD227928	09, 13
HAMD595886-HAMD595886	09, 13
HAMD213137-HAMD213137	09, 13
HAMD212711-HAMD212711	09, 13
HAMD211408-HAMD211408	09, 13
HAMD212657-HAMD212657	09, 13
HAMD227953-HAMD227953	09, 13
HAMD212006-HAMD212006	09, 13
HAMD595897-HAMD595897	09, 13
HAMD227948-HAMD227948	09, 13
HAMD227946-HAMD227946	09, 13
HAMD212005-HAMD212005	09, 13
HAMD211403-HAMD211404	09, 13

**Waheed Hamed**  
**Exhibit A - List of Responsive Documents Produced**  
**September 29, 2014**

<b>Bate Range</b>	<b>RFPD No.</b>
HAMD211995-HAMD211995	09, 13
HAMD213129-HAMD213129	09, 13
HAMD211377-HAMD211377	09, 13
HAMD591984-HAMD591984	09, 13
HAMD227923-HAMD227923	09, 13
HAMD212656-HAMD212656	09, 13
HAMD212709-HAMD212709	09, 13
HAMD228006-HAMD228006	09, 13
HAMD213127-HAMD213127	09, 13
HAMD211998-HAMD211998	09, 13
HAMD213097-HAMD213097	09, 13
HAMD212655-HAMD212655	09, 13
HAMD227927-HAMD227927	09, 13
HAMD211939-HAMD211939	09, 13
HAMD227916-HAMD227916	09, 13
HAMD227969-HAMD227969	09, 13
HAMD213123-HAMD213123	09, 13
HAMD227931-HAMD227931	09, 13
HAMD213142-HAMD213142	09, 13
HAMD211373-HAMD211373	09, 13
HAMD591980-HAMD591980	09, 13
HAMD211999-HAMD211999	09, 13
HAMD227914-HAMD227914	09, 13
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HAMD227959-HAMD227959	09, 13
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HAMD211407-HAMD211407	09, 13
HAMD213085-HAMD213085	09, 13
HAMD595883-HAMD595883	09, 13
HAMD212703-HAMD212703	09, 13
HAMD213107-HAMD213107	09, 13
HAMD213114-HAMD213114	09, 13
HAMD227937-HAMD227937	09, 13
HAMD213098-HAMD213098	09, 13
HAMD227918-HAMD227918	09, 13
HAMD227944-HAMD227944	09, 13
HAMD227941-HAMD227941	09, 13
HAMD227942-HAMD227942	09, 13
HAMD211937-HAMD211937	09, 13
HAMD212710-HAMD212710	09, 13
HAMD211409-HAMD211409	09, 13
HAMD595896-HAMD595896	09, 13
HAMD213128-HAMD213128	09, 13
HAMD595892-HAMD595892	09, 13

**Waheed Hamed**  
**Exhibit A - List of Responsive Documents Produced**  
**September 29, 2014**

Bate Range	RFPD No.
HAMD595887-HAMD595887	09, 13
HAMD595884-HAMD595884	09, 13
HAMD211997-HAMD211997	09, 13
HAMD213134-HAMD213134	09, 13
HAMD212002-HAMD212002	09, 13
HAMD591983-HAMD591983	09, 13
HAMD580428-HAMD580431	09, 13
HAMD212658-HAMD212658	09, 13
HAMD593182-HAMD593185	09, 13, 19
HAMD593186-HAMD593187	09, 13, 19
HAMD603645-HAMD604048	10, 11
HAMD261898-HAMD261898	12
HAMD591991-HAMD592006	12
HAMD563377-HAMD563378	12
HAMD202985-HAMD202985	12
HAMD200817-HAMD200817	12
HAMD562327-HAMD562327	12
HAMD589085-HAMD589085	12
HAMD200080-HAMD200080	12
HAMD583764-HAMD583764	12
HAMD595493-HAMD595493	12
HAMD589381-HAMD589381	12
HAMD597309-HAMD597309	12
HAMD595727-HAMD595727	12
HAMD605939-HAMD605939	12
HAMD200101-HAMD200101	12
HAMD595484-HAMD595484	12
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HAMD200060-HAMD200061	12
HAMD200107-HAMD200107	12
HAMD200081-HAMD200084	12
HAMD562189-HAMD562189	12
HAMD200074-HAMD200074	12
HAMD200100-HAMD200100	12
HAMD202975-HAMD202976	12
HAMD203432-HAMD203432	12
HAMD200059-HAMD200059	12
HAMD588686-HAMD588686	12
HAMD599721-HAMD599721	12
HAMD610030-HAMD610030	12
HAMD200058-HAMD200058	12
HAMD243352-HAMD243352	12
HAMD603449-HAMD603449	12
HAMD243328-HAMD243328	12

**Waheed Hamed**  
**Exhibit A - List of Responsive Documents Produced**  
**September 29, 2014**

Bate Range	RFPD No.
HAMD603027-HAMD603027	12
HAMD592007-HAMD592007	12
HAMD591230-HAMD591230	12
HAMD601070-HAMD601070	12
HAMD583763-HAMD583763	12
HAMD589345-HAMD589345	12
HAMD589442-HAMD589442	12
HAMD200075-HAMD200075	12
HAMD592658-HAMD592658	13
HAMD212659-HAMD212659	13
HAMD592673-HAMD592673	13
HAMD594283-HAMD594283	13
HAMD428975-HAMD428975	13
HAMD592654-HAMD592654	13
HAMD595675-HAMD595675	13
HAMD200104-HAMD200104	13
HAMD428976-HAMD428976	13
HAMD592659-HAMD592659	13
HAMD595676-HAMD595676	13
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HAMD200102-HAMD200102	13
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HAMD213130-HAMD213130	13
HAMD211883-HAMD211886	13
HAMD213111-HAMD213111	13
HAMD213083-HAMD213083	13
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HAMD592663-HAMD592663	13
HAMD262240-HAMD262240	13
HAMD211891-HAMD211891	13
HAMD592657-HAMD592657	13
HAMD594676-HAMD594676	13
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HAMD592676-HAMD592676	13
HAMD592679-HAMD592679	13
HAMD211926-HAMD211926	13
HAMD592649-HAMD592650	13
HAMD211578-HAMD211578	13
HAMD592662-HAMD592662	13
HAMD213155-HAMD213155	13

**Waheed Hamed**  
**Exhibit A - List of Responsive Documents Produced**  
**September 29, 2014**

Bate Range	RFPD No.
HAMD592677-HAMD592678	13
HAMD213102-HAMD213102	13
HAMD212907-HAMD212907	13
HAMD592661-HAMD592661	13
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HAMD592680-HAMD592680	13
HAMD212973-HAMD212974	13
HAMD592670-HAMD592671	13
HAMD592675-HAMD592675	13
HAMD595672-HAMD595672	13
HAMD212877-HAMD212877	13
HAMD595671-HAMD595671	13
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HAMD213103-HAMD213103	13
HAMD212939-HAMD212939	13
HAMD595221-HAMD595221	13
HAMD200106-HAMD200106	13
HAMD212927-HAMD212928	13
HAMD595674-HAMD595674	13
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HAMD592674-HAMD592674	13
HAMD212787-HAMD212787	13
HAMD212887-HAMD212891	13
HAMD200105-HAMD200105	13
HAMD212433-HAMD212433	13
HAMD592655-HAMD592656	13
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HAMD595673-HAMD595673	13
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HAMD592660-HAMD592660	13
HAMD583991-HAMD583991	13
HAMD592667R-HAMD592668R	13
HAMD211985-HAMD211985	13
HAMD592396-HAMD592397	13
HAMD580439-HAMD580446	13, 19
HAMD609356-HAMD609358	17
HAMD609265-HAMD609268	17
HAMD609255-HAMD609258	17
HAMD609262-HAMD609264	17
HAMD609227-HAMD609227	17
HAMD609228-HAMD609250	17
HAMD609259-HAMD609261	17
HAMD609203-HAMD609212	17
HAMD609196-HAMD609202	17

**Waheed Hamed**  
**Exhibit A - List of Responsive Documents Produced**  
**September 29, 2014**

Bate Range	RFPD No.
HAMD609224-HAMD609224	17
HAMD609362-HAMD609369	17
HAMD609308-HAMD609310	17
HAMD609370-HAMD609379	17
HAMD609335-HAMD609344	17
HAMD609359-HAMD609361	17
HAMD609380-HAMD609394	17
HAMD609352-HAMD609352	17
HAMD609225-HAMD609226	17
HAMD609275-HAMD609307	17
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HAMD609191-HAMD609191	17
HAMD609182-HAMD609184	17
HAMD609345-HAMD609351	17
HAMD609269-HAMD609269	17
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HAMD609252-HAMD609254	17
HAMD609353-HAMD609355	17
HAMD609270-HAMD609274	17
HAMD609311-HAMD609313	17
HAMD609314-HAMD609326	17
HAMD609213-HAMD609223	17
HAMD609192-HAMD609195	17
HAMD609327-HAMD609334	17



**September 29, 2014 Privilege Log for Waheed Hamed  
Supplemental Document Production to Defendants' May 23, 2014 RFPDs**

Bates Range	Type of Doc	Date	To/Recipient(s)	From/Author(s)	Copied To	BCC'd To	Privilege	Privilege Notes
HAMD592454- HAMD592454	Letter	Thu 11/14/2013	Hamm	Joel Holt	N/A	N/A	Atty Work Product	Letter regarding documents provided to Attorney Donovan Hamm
HAMD593192- HAMD593192	Letter	Mon 12/09/2013	Donovan Hamm	Joel Holt	N/A	N/A	Atty Work Product	Letter regarding expert report
HAMD595107- HAMD595109	Email	Fri 12/20/2013	Joel Holt, Waleed Hamed, Waheed Hamed, Mufeed Hamed, Carl Hartmann, Kim Japinga	Hisham Hamed	N/A	N/A	Atty-Client	Email regarding payroll
HAMD597476- HAMD597476	Email	Fri 03/07/2014	Carl Hartmann	Hisham Hamed	N/A	N/A	Atty-Client	Email regarding taxes



Respectfully submitted,

**DUDLEY, TOPPER and FEUERZEIG, LLP**

Dated: October 6, 2014

By:

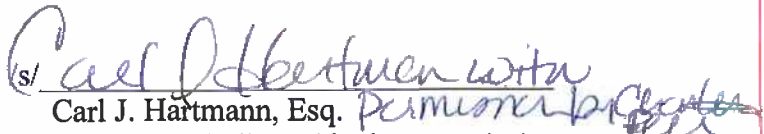


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Dated: October 6, 2014

By:



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Mohammad Hamed

**ECKARD, P.C.**

Dated: October 6 2014

By:

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\*\*\*Counsel Hartmann indicated he has permission to execute this stipulation on behalf of Plaintiff and all the Counterclaim Defendants.

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