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

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

MOTION TO DISMISS FIRST AMENDED COUNTERCLAIM AS TO MUFEED HAMED AND HISHAM HAMED

Counterclaim defendants Mufeed Hamed ("Mafi") and Hisham Hamed ("Shawn"), by

and through each of their undersigned counsel, file this Motion to Dismiss First Amended

Counterclaim as to each of them (the "Motion") and state as follows:

Mafi and Shawn move this Court to dismiss the First Amended Counterclaim as to each

of them and, in support of this Motion, rely on Mafi's and Shawn's Memorandum of Law filed

contemporaneously herewith in support of the Motion, any Reply in Further Support of the

Motion and any arguments adduced at oral argument or otherwise at any hearing or in any papers

related to or touching upon the Motion.

Motion to Dismiss First Amended Counterclaim as to Mufeed Hamed and Hisham Hamed Page 2 $\,$

WHEREFORE, for the reasons set forth herein and in the Memorandum of Law in support hereof and in any Reply in Further Support hereof, Mafi and Shawn respectfully request that the Court (i) enter an Order in substantially the same form as that attached hereto as <u>Exhibit</u> <u>A</u>, dismissing the First Amended Counterclaim as to Mafi and Shawn, with prejudice, and ordering Counterclaim Plaintiffs to pay Mafi's and Shawn's attorneys' fees and costs incurred in connection with their defense against counterclaims stated against them in this Action and (ii) grant to Mafi and Shawn such other and further relief as is just and proper.

Dated: February 21, 2014

Respectfully submitted, By:/

Mark W. Eckard (VI Bar No. 1051) Eckard, PC P.O. Box 24849 Christiansted, VI 00824 Telephone: (340) 514-2690 Email: mark@markeckard.com

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February, 2014, I served a copy of the foregoing Memorandum by email, as agreed by the parties, on:

Nizar A. DeWood

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

Gregory H. Hodges Law House, 10000 Frederiksberg Gade P.O. Box 756 ST.Thomas,VI00802 ghodges@dtflaw.com

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EXHIBIT A

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

MOHAMMAD HAMED, by his)	
authorized agent WALEED HAMED,)	
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Plaintiff/Counterclaim Defendant,)	
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VS.)	JURY TRIAL DEMANDED
)	
WALEED HAMED, WAHEED	Ĵ	
HAMED, MUFEED HAMED,)	
HISHAM HAMED,)	
and PLESSEN ENTERPRISES, INC.,)	
)	
Counterclaim Defendants.)	
)	

<u>ORDER</u>

Upon consideration of the Motion to Dismiss First Amended Counterclaim as to Mufeed

Hamed and Hisham Hamed (the "Motion"), and the Court being fully advised in the premises, it

is hereby:

ORDERED that the First Amended Counterclaim filed in the above-captioned civil action

is dismissed as to Mufeed Hamed and Hisham Hamed, with prejudice.

Dated: _____

SUPERIOR COURT JUDGE

ATTEST:

Deputy Clerk