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

MOHAMMAD HAMED, by his)
authorized agent WALEED HAMED,)
,) CIVIL NO. SX-12-CV-370
Plaintiff/Counterclaim Defendant,)
) ACTION FOR DAMAGES,
VS.) INJUNCTIVE RELIEF
) AND DECLARATORY RELIEF
FATHI YUSUF and UNITED CORPORATION	s)
)
Defendants/Counterclaimants,)
)
vs.)
WALEED HAMED, WAHEED HAMED,)
MUFEED HAMED, HISHAM HAMED, and)
PLESSEN ENTERPRISES,)
•)
Additional Counterclaim Defendants.	,)
)
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REPLY TO PLESSEN'S OPPOSITION TO YUSUF'S MOTION FOR STAY OF PORTIONS OF JANUARY 7, 2015 ORDER PENDING APPEAL

Defendant/counterclaimant Fathi Yusuf ("Yusuf") respectfully replies to the Opposition to Motion For Stay Of Portions Of January 7, 2015 Order Pending Appeal (the "Opposition") filed by Plessen Enterprises, Inc. ("Plessen") as follows:

- 1. The Opposition simply reflects, once again, that counsel for Plessen is nothing more than another mouthpiece for Mohammad Hamed ("Hamed"). As usual, Plessen's Opposition simply "adopts and joins" Hamed's Opposition.
- 2. Plessen claims that assuming it will take a year before Yusuf's appeal is resolved, "Plessen will be out of pocket a total of Seven Hundred and Twenty Thousand Dollars (\$720,000) (\$60,000 per month as per the KAC357 lease) in rent it may have otherwise received based on its lease with KAC357, Inc. . . ." First of all, Plessen misstates the monthly rent, which is \$55,000 pursuant to § 2.3.1 of the disputed lease between Plessen and KAC357, Inc. (the "Lease"). See also, Hamed v. Yusuf, 2014 V.I. LEXIS 52, *15 (V.I.Super.Ct July 22, 2014)(indicating rent under the Lease is \$55,000 per month). More importantly, however,

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

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Plessen expressly agreed in the Lease at § 2.3.4 that KAC357, Inc. "shall not be granted possession of the Premises so long as the partnership [between Fathi Yusuf and Mohammad Hamed is in possession of the Premises. Likewise, rent shall not be due until the Tenant has possession of the Premises." Accordingly, in the event a stay is entered as requested by Yusuf and the partnership remains in possession of the premises pending disposition of the appeal, no rent would become due and Plessen would suffer no damages, an event expressly contemplated by § 2.3.4 of the Lease. Moreover, even if Plessen was entitled to rent, the Yusuf family would be entitled to 50% of the proceeds given the fact that they own 50% of the shares of Plessen.

For all of the foregoing reasons, Yusuf respectfully requests this Court to grant his Motion For Stay and to waive the posting of a bond or to require only the posting of a nominal bond.

Respectfully Submitted,

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: February 10, 2015

By:

Gregory H. Modges (VI Bar No. 174) Stefan B. Herpel (VI Bar No.1019)

Law House

1000 Frederiksberg Gade - P.O. Box 756

St. Thomas, VI 00804

Telephone:

(340) 774-4422

Facsimile:

(340) 715-4400

E-Mail:

ghodges@dtflaw.com

sherpel@dtflaw.com

and

Nizar A. DeWood, Esq. (V.I. Bar No. 1177)

The DeWood Law Firm

2006 Eastern Suburbs, Suite 101

Christiansted, VI 00830

Telephone: (340) 773-3444

Telefax:

(888) 398-8428

Email: info@dewood-law.com

Attorneys for Fathi Yusuf

DUDLEY, TOPPER AND FEUERZEIG, LLP 1000 Frederiksberg Gade P.O. Box 756

St. Thomas, U.S. VI. 00804-0756 (340) 774-4422

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February, 2014, I caused the foregoing Reply to Plessen's Opposition to Yusuf's Motion for Stay of Portions of January 7, 2015 Order Pending Appeal to be served upon the following via e-mail:

Joel H. Holt, Esq.

LAW OFFICES OF JOEL H. HOLT

2132 Company Street Christiansted, V.I. 00820 Email: holtvi@aol.com

Mark W. Eckard, Esq.

Eckard, P.C. P.O. Box 24849

Christiansted, VI 00824

Email: mark@markeckard.com

The Honorable Edgar A. Ross

Email: edgarrossjudge@hotmail.com

Carl Hartmann, III, Esq.

5000 Estate Coakley Bay, #L-6

Christiansted, VI 00820

Email: carl@carlhartmann.com

Jeffrey B.C. Moorhead, Esq.

C.R.T. Building 1132 King Street

Christiansted, VI 00820

Email: jeffreymlaw@yahoo.com

Michele Barter

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DUDLEY, TOPPER AND FEUERZEIG, LLP

1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, U.S. V.I. 00804-0756
(340) 774-4422