

**IN THE SUPREME COURT OF THE VIRGIN ISLANDS**

FATHI YUSUF,	)	
	)	<b>S. CT. CIV. NO. 2015-0001</b>
Appellant,	)	
	)	
v.	)	Re: Super. Ct. Civ. No. SX-12-CV-370
	)	
MOHAMMAD HAMED, WALEED	)	
HAMED, WAHEED HAMED, MUFEED	)	
HAMED, HISHAM HAMED, and	)	
PLESSEN ENTERPRISES, INC.,	)	
	)	
Appellees.	)	

**MOTION TO VACATE SCHEDULING ORDER PENDING DISPOSITION OF  
MOTION TO CONSOLIDATE**

Defendant/appellant Fathi Yusuf (“Yusuf”), through his undersigned counsel, respectfully requests this Court to vacate the briefing schedule established by this Court’s Scheduling Order issued on January 13, 2015 pending disposition of Yusuf’s Motion To Consolidate Appeals. In support of this Motion, Yusuf respectfully represents the following:

1. On January 5, 2015, Yusuf filed his Notice of Appeal from two orders of the Superior Court, namely, the July 22, 2014 Order denying Yusuf’s Motion to Nullify Plessen Enterprises, Inc.’s Board Resolutions, To Void Acts Taken Pursuant to Those Resolutions and to Appoint Receiver and the December 5, 2014 Order denying Yusuf’s Motion for Reconsideration.

2. On January 13, 2015, this Court issued a Scheduling Order providing, among other things, that Yusuf’s brief and the joint appendix were due on or before February 23, 2015.

3. On January 27, 2015, the Superior Court entered an order approving a stipulation between Yusuf and plaintiff/appellee Mohammad Hamed (“Hamed”), which

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

modified the Superior Court's "Order Adopting Final Wind Up Plan" (the "Wind Up Order") and the Superior Court's "Final Wind Up Plan" (the "Plan") entered on January 9, 2015. A copy of the Stipulated Order was filed by the Clerk of the Superior Court in this case on January 27, 2015.

4. On January 28, 2015, Yusuf filed his Notice of Appeal from the Wind Up Order commencing the appeal docketed as S. Ct. Civ. No. 2015-0009.

5. On January 29, 2015, Yusuf filed his Motion to Consolidate the Appeals, which was opposed on February 2, 2015. Yusuf filed his Reply Brief in Support of his Motion to Consolidate on February 9, 2015. The Orders being appealed from are clearly inter-related, as described more fully in the briefs in support of the Motion to Consolidate.

6. On February 10, 2015, Hamed filed an Amended Notice of Cross-Appeal in S. Ct. Civ. No. 2015-0009.

7. On February 13, 2015, Yusuf filed his Emergency Motion for Stay Pending Appeal of Portions of the Superior Court's Wind Up Order and Plan. Pursuant to this Court's Order issued on February 13, 2015, Yusuf was ordered to supplement his Brief in Support of the Emergency Motion by 12:00 today, which Yusuf has done, and appellees were ordered to respond to the Emergency Motion by noon on Wednesday, February 18, 2015.

In light of the foregoing, Yusuf respectfully submits that the Scheduling Order addressing the filing of briefs and the joint appendix in this appeal should be vacated pending resolution of the Motion to Consolidate this appeal with S. Ct. Civ. No. 2015-0009. If the Court grants Yusuf's Motion to Consolidate, it will presumably enter a new scheduling order for the consolidated appeals. In the event that this Court denies the Motion to Consolidate,

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Yusuf respectfully requests a one week extension of time from the entry of the Order within which to file his brief and joint appendix in this case.

**DUDLEY, TOPPER AND FEUERZEIG, LLP**

**DATED:** February 17, 2015

By: /s/Gregory H. Hodges  
Gregory H. Hodges (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](mailto:ghodges@dtflaw.com)  
[sherpel@dtflaw.com](mailto: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](mailto:info@dewood-law.com)

Attorneys for Fathi Yusuf

**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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CLERK OF THE COURT

**CERTIFICATE OF SERVICE**

I hereby certify that on January 29, 2015, I caused the foregoing **Motion To Vacate Briefing Schedule** to be electronically filed with the Clerk of the Court using the V.I. Supreme Court e-filing system and that the attorneys listed below, who are Filing Users, will be e-served by the Notice of Electronic Filing:

Joel H. Holt, Esq.  
Law Offices of Joel H. Holt  
2132 Company Street  
Christiansted, V.I. 00820  
Email: [holtvi@aol.com](mailto:holtvi@aol.com)

Counsel for Plaintiff/Appellee  
Mohammad Hamed

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

Counsel for Counterclaim Defendants/Appellees  
Waleed Hamed, Mufeed Hamed, and Hisham  
Hamed

Carl J. Hartmann, III, Esq.  
5000 Estate Coakley Bay, #L-6  
Christiansted, VI 00820  
Email: [carl@carlhartmann.com](mailto:carl@carlhartmann.com)

Counsel for Counterclaim Defendant/Appellee  
Waheed Hamed

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

Counsel for Counterclaim Defendant/Appellee  
Plessen Enterprises, Inc.

/s/ Gregory H. Hodges

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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