

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

FAHTI YUSUF,

Appellant/Defendant,

v.

MOHAMMAD HAMED, et al.

Appellees/Plaintiffs.

S. Ct. Civ. No. 2015-0001
Re: Super. Ct. Civ. No. 370/2012
(STX)

Consolidated Cases
S. Ct. Civ. No. 2015-0001
S. Ct. Civ. No. 2015-0009

REPLY TO APPELLANT'S OPPOSITION TO MOTION FOR FEES

Appellee, Mohammad Hamed, hereby responds to the points raised in the Appellant's objection to the fee request (in the order raised) as follows:

- The Appellee defers to this Court as to whether it wants to approve a specific fee award after determining that the Appellee was the prevailing party or remand it to the Superior Court for consideration of the amount to award.
- Appellee is certainly the prevailing party. There was no appellate jurisdiction for either appeal, which Appellee pointed out in several pleadings filed in this appeal before he moved to dismiss the appeal, which motion was granted.
- Counsel must provide this Court with his or her fee arrangement in seeking fees, which was disclosed here. **Curiously, the Appellant did not disclose his fee arrangement or the time spent by his (several) lawyers**, citing instead to fees paid other lawyers in various unrelated matters in 2009 (Appellant's Exhibit 1) and between 2011 and 2013 (Appellant's Exhibit 2). Counsel also cited several old cases, while citing only one recent case from the District Court, *WDC Miami Inc. v NR Electrical, Inc.*, 2015 WL 127852 (DVI 2015). That case made a supposition that the hourly rate in this jurisdiction might span between \$125 and \$300 per hour. It is respectfully submitted that this finding is absurd and based on a

piecemeal history of old cases. In any event, those hourly fees are certainly below what counsel in this case has been charging for years, as noted in the fee application. As the statute is designed to reimburse the client for his legal fees, it is respectfully submitted that Hamed should be reimbursed for the expenses he has paid for this motion (no other fees charged for this appeal were requested in the motion) since he prevailed in this appeal.

- In preparing the jurisdiction motion in this case, there was no duplication of work between the two lawyers who worked on it, which required two lawyers in the drafting of the motion and the reply due to the tight time constraints that existed. Indeed, while Appellant suggests that there were not a lot of cases cited, they overlook the plethora of cases they cited that required opposing counsel to review them and distinguish them, which was done.
- As for the hours spent, a great deal of time was spent on the wide spread of novel (and ultimately rejected) legal theories advanced by the Appellant. In any event, the time was spent and was required to address this issue.

Dated: April 1, 2015


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CERTIFICATE OF SERVICE

I certify that a copy of the above document was served by email and mail on opposing counsel of record this 1ST day of April, 2015:

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