

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

MOHAMMED HAMED)	CASE NO. SX-14-CV-278
)	
Plaintiff)	DEFENDANT’S RESPONSE TO PLAINTIFF’S
)	FIRST REQUEST FOR PRODUCTION OF
Vs.)	DOCUMENTS
)	
FATHI YUSUF)	
)	
Defendant)	
)	

**FATHI YUSUF’S RESPONSE TO
PLAINTIFF’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

FATHI YUSUF (“Yusuf”), through counsel, Nizar DeWood, hereby responds to each paragraph of Plaintiff Mohammed Hamed’s January 5, 2016 Request for Production of Documents (the “Request”). The responses interpose an objection, or indicate that based on a reasonable search Fathi Yusuf does not have the documents, which is indicated by the word “None,” or indicate that it has found documents that it refers to by Bates number (and is attaching to this response). The transactions underlying some of these requests extend back years in time, and involve parties other than Defendant Yusuf. Defendant Yusuf reserves the right to supplement this Response to Plaintiff’s Request if it learns of the existence of other documents at a later time. The following are the responses to the corresponding numbered requests in the subpoena:

General Objections

As set forth in his Answer and Counterclaim, (FAA), Yusuf shows that any monies which could be characterized as monies owned by the Yusuf and Hamed partnership and which were invested in Y & S Corporation had lost their status as partnership monies when the original purchase was made. (FAA, ¶6). Rather, the receipt and distribution of proceeds relating to the Dorthea Property and Y & S Corporation stock which is the subject of this litigation is a corporate issue and should not be part of any partnership accounting. (FAA, ¶39). Yusuf objects to this Request insofar as the premise of this suit involves the sale of Y & S stock by Hisham Hamed and Nejah Yusuf. To the extent that any claims exist relating to the sale of the Y & S stock, those claims would be Hisham Hamed's claims against Fathi Yusuf, as nominee and is not properly a claim of Mohammed Hamed. Hence, Mohammed Hamed has no standing to bring this claim. Subject to the above objections, to the extent that the funds relating to the Y & S Corporation stock sale by Hisham Hamed and Nejah Yusuf could be considered partnership monies and subject to accounting, Yusuf shows that a full accounting between the parties will be submitted as part of the Hamed v. Yusuf, et al, Civil No. SX -12-CV-370 (the "370 Case").

1. All documents that reference Spread Eagle Paradise Holdings, Inc. or any other entity in which Defendant has any interest with the phrase "Spread Eagle" in the name for the "relevant time period."

See Bates 27FY 1-7, attached hereto, which were previously produced and Bates stamped in the 370 case.

2. The document described as "Exhibit A" (which apparently describes the land pertaining to the purchase and sale agreement) to the attached September 8, 1994 document -- HAMD203487-HAMD203506 at p. HAMD203495.

None.

3. Documents supporting any and all claims or counterclaims you may have against the Plaintiff for any type of relief, including, but not limited to money damages.

As set forth in his Answer and Counterclaim, Yusuf shows that any monies which could be characterized as monies owned by the Yusuf and Hamed partnership and which were invested in Y & S Corporation had lost their status as partnership monies when the original purchase was made. (FAA, ¶6). Rather, the receipt and distribution of proceeds relating to the Dorthea Property and Y & S Corporation stock which is the subject of this litigation is a corporate issue and should not be part of any partnership accounting. (FAA, ¶39). Yusuf objects to this Request insofar as the premise of this suit involves the sale of Y & S stock by Hisham Hamed and Nejah Yusuf. To the extent that any claims exist relating to the sale of the Y & S stock, those claims would be Hisham Hamed's claims against Fathi Yusuf, as nominee and is not properly a claim of Mohammed Hamed. Hence, Mohammed Hamed has no standing to bring this claim. Subject to the above objections, to the extent that the funds relating to the Y & S Corporation stock sale by Hisham Hamed and Nejah Yusuf could be considered partnership monies and subject to accounting, Yusuf shows that a full accounting between the parties will be submitted as part of the 370 Case.

4. Documents supporting any and all claims you may have against any third party for any type of relief related to the allegations in this case, including but not limited to, money damages.

None; Yusuf reserves the right to produce documents as they become available.

5. Documents supporting all defenses or offsets you have or may have with regard to the claims of Plaintiff.

Yusuf incorporates by reference his response to Request 3 as if fully set forth herein verbatim as his response to Request 5. See also attached documents bate stamped 278FY0019-0042.

6. Documents showing any and all funds removed by Yusuf, the Yusuf family or United from Plaza Extra operations or operating accounts that were used to buy real estate or other assets during the "relevant time period."

As set forth in his Answer and Counterclaim, Yusuf shows that any monies which could be characterized as monies owned by the Yusuf and Hamed partnership and which were invested in Y & S Corporation had lost their status as partnership monies when the original purchase was made. (FAA, ¶6). Rather, the receipt and distribution of proceeds relating to the Dorthea Property and Y & S Corporation stock which is the subject of this litigation is a corporate issue and should not be part of any partnership accounting. (FAA, ¶39). Yusuf objects to this Request insofar as the premise of this suit involves the sale of Y & S stock by Hisham Hamed and Nejah Yusuf. To the extent that any claims exist relating to the sale of the Y & S stock, those claims would be Hisham Hamed's

claims against Fathi Yusuf, as nominee and is not properly a claim of Mohammed Hamed. Hence, Mohammed Hamed has no standing to bring this claim. Subject to the above objections, to the extent that the funds relating to the Y & S Corporation stock sale by Hisham Hamed and Nejah Yusuf could be considered partnership monies and subject to accounting, Yusuf shows that a full accounting between the parties will be submitted as part of the 370 Case.

7. Bank signature cards for all Fathi Yusuf or United Corporation d/b/a Plaza Extra accounts during the "relevant time period."

None in Fathi Yusuf or United Corporation's possession.

8. Bank signature cards for all Fathi Yusuf or United Corporation tenant accounts during the "relevant time period."

None in Fathi Yusuf or United Corporation's possession.

9. Bank signature cards for all Plessen accounts.

Yusuf objects to this Request as overbroad and not reasonably calculated to lead to the discovery of admissible evidence in this case. Yusuf also incorporates his general objection relating to the scope of the claims in this case.

10. All emails, letters, memos or other correspondence that reference R&F Condominiums, Inc.

None.

11. The state, territorial, and federal tax returns filed for R&F Condominiums, Inc.

None.

12. All Gross receipts filing for R&F Condominiums, Inc.

None.

13. All Corporate documents of R&F Condominiums, Inc.

None.

14. All financial documents, including, but not limited to, statements, checks, wire transfers, deposits, stocks, bonds, certificates of deposit or other negotiable instruments for R&F Condominiums, Inc. This request includes both domestic and foreign accounts.

None.

15. All R & F Condominiums, Inc. accounting documents.

None.

16. All checks written on any Fathi Yusuf bank accounts to or for R&F Condominiums, Inc.

None.

17. All checks written on any United Corporation d/b/a Plaza Extra bank account to or for R&F Condominiums, Inc.

None.

18. All checks written on any United Corporation tenant bank account to or for R&F Condominiums, Inc.

None

19. All title searches and analysis for properties contemplated for purchase or purchased by R & F Condominiums, Inc.

None

20. All title insurance purchased by R & F Condominiums, Inc.

None

21. All closing documents for any property purchased by or on behalf of R & F Condominiums, Inc.

None

22. All deed(s), contract(s), lease(s), or other similar documentary evidence of R & F Condominiums, Inc.'s interest in real property (regardless of whether R & F Condominiums has transferred, sold, or otherwise disposed of these assets).

None.

23. All R & F Condominiums, Inc. corporate documents filed with the government of the U.S. Virgin Islands.

None.

24. Documents evidencing any loans that Yusuf gave to R & F Condominiums, Inc.

None.

25. All emails, letters, memos that reference Y & S Corporation.

None.

26. All state, territorial and federal tax returns filed for Y & S Corporation.

None.

27. All gross receipts filings for Y & S Corporation.

None.

28. All corporate documents for Y & S Corporation.

None. Yusuf further responds that he has no documents other than those previously produced which are also in the possession of Hamed.

29. All financial documents, including, but not limited to, statements, checks, wire transfers, deposits, stocks, bonds, certificates of deposit or other negotiable instruments for Y&S Corporation. This request includes both domestic and foreign accounts.

None.

30. All checks written on any United Corporation d/b/a Plaza Extra bank account to or for Y & S Corporation.

None.

31. All checks written on any Fathi Yusuf bank accounts to or for Y & S Corporation.

None.

32. All checks written on any United Corporation tenant bank account to or for Y&S Corporation.

None.

33. All title searches and analysis for properties contemplated for purchase or purchased by Y& S Corporation.

None.

34. All title insurance purchased by Y & S Corporation.

None.

35. All closing documents for any property purchased by or on behalf of the Y&S` Corporation.

None. Yusuf further responds that he has no documents other than those previously produced which are also in the possession of Hamed.

36. All deed(s), contract(s), lease(s), or other similar documentary evidence of Y & S Corporation's interest in real property (regardless of whether Y & S Corporation has transferred, sold, or otherwise disposed of these assets).

See Bates 278FY 1-3, attached hereto, which were previously produced and Bates stamped in the 370 Case.

37. All Y & S Corporation corporate documents filed with the government of the U.S. Virgin Islands.

None.

38. Documents evidencing any loans that Yusuf gave to Y & S Corporation.

None.

39. All documents supporting the following transaction:

2. In consideration of the transfer of its 1000 shares of Y & S Corporation, Inc., Buyer agrees to pay to seller's nominee, Mr. Fathi Yusef of 9-C Princess Hill, St. Croix the sum of Nine Hundred Thousand (\$900,000.00) Dollars.

3. Price: The amount due and payable hereunder shall be paid over a period of four (4) years in four equal yearly installments, of Two Hundred and Twenty Five Thousand (\$225,000.00) Dollars. The first installment shall become due on January 15, 2001, and the remaining installments shall become due on January 15, 2002, January 15, 2003, and January 15, 2004.

4. Interest: The installments due hereunder shall accrue interest on the outstanding balance at a rate of twelve percent (12 %) per annum until the entire balance is paid in full. Payment of interest is waived provided payment of each-installment due is made-within 30 days-of the due date for such installment. In the event that an installment is late, the interest payable or accruable to the date of the late payment shall be paid to the IQRA School in St. Croix, United States Virgin Islands. Further, in the event of default, as default

is defined hereunder, all interest accruable under this agreement shall be payable to the IQRA School. (See, HAMD601620-HAMD601624 at pp. HAMD601620-21)

See Bates 8-12, attached hereto, which were previously produced and stamped in the 370 Case.

40. All documents showing the agreement to make Fathi Yusuf the "seller's nominee" for the sale of Hisham Hamed's 500 shares in Y & S Corporation to Hakima Salem.

None other than the documents reflecting the transaction of which Hamed is already in possession.

41. All documents showing the agreement to make Fathi Yusuf the "seller's nominee" for the sale of NejeH Yusuf's 500 shares in Y & Corporation to Hakima Salem.

None other than the documents reflecting the transaction of which Hamed is already in possession.

42. All documents related to the Notice of Payment of Purchase Price and Authorization to Release Stock Certificates for the Y & S Corporation (see, HAMD203435-HAMD203435).

None other than the documents reflecting the transaction of which Hamed is already in possession.

43. All documents showing what happened to the \$900,000 (plus interest, if any) received from the sale of Y & S Corporation stock belonging to Hisham Hamed and NejeH Yusuf, as referenced in HAMD601620-HAMD601624.

None.

44. Please reference HAMD597792-HAMD597792 (Exhibit 12 from Fathi Yusuf's April 2, 2014 deposition) for the following set of questions:

Please provide all documents related to the first line of document HAMD597792- HAMD597792, "Dorothea 1,500,000.00."

None.

45. Please provide all documents related to the second line of document HAMD597792- HAMD597792, "Jordan Fund-75,000dinar 105,932.00."

None.

46. Please provide all documents related to the third line of document HAMD597792-

HAMD597792, "1,605,932.00."

None.

47. Please provide all documents related to the fourth line of document HAMD597792-
HAMD597792, "Fathi Yusuf 617,00.00."

None.

48. Please provide all documents related to the fifth line of document HAMD597792-
HAMD597792, "From Jordan" " 105,932.00."

None.

49. Please provide all documents related to the sixth line of document HAMD597792-
HAMD597792, "Balance for Fathi Yusuf 80,034.00."

None.

50. Please provide all documents related to the seventh line of document HAMD597792-
HAMD597792, "802,966.00"

None.

51. Please provide all documents related to the eighth line of document HAMD597792-
HAMD597792, 802,966 "1,605,932.00."

None.

Date: February 17, 2016

Respectfully Submitted,



Nizar A. DeWood, Esq.

(Bar No. 1177)

2006 Eastern Suburbs Suite 101

Christiansted, V.I. 00820

T. (340) 773-3444 | F. (888) 398-8428

Attorney for Fathi Yusuf

nizar@dewood-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of February, 2016 I caused a true and exact copy of the foregoing Defendant's Response to Plaintiff's First Request for Production of Documents was served on counsel for the Plaintiff by email.

Joel Holt
2132 Company St. Suite 2
Christiansted VI 00820
<holtvi@aol.com>

/s/ Nizar A. DeWood
Nizar A. DeWood