

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

MOHAMMAD HAMED,	:	Case No.: SX-2014-CV- 278
	:	
Plaintiff,	:	PLAINTIFF MOHAMMED
	:	HAMED'S FIRST REQUESTS
v.	:	TO ADMIT
	:	
FATHI YUSUF,	:	
	:	
Defendant	:	
_____	:	

PLAINTIFF MOHAMMAD HAMED'S FIRST REQUESTS TO ADMIT

COMES NOW, Defendant Fathi Yusuf (“Yusuf”), by counsel, and responds to Plaintiff’s First Request to Admit as follows:

1. ADMIT that Fathi Yusuf was a director on the board of the Y & S Corporation.

Yusuf objects to the extent that Request 1 is not reasonably limited in time and scope as it does not specify a timeframe. Subject to the forgoing objections, Yusuf is unable to admit or deny Request to Admit 1 as Yusuf does not presently recall the makeup of the board of directors and corporate officers of Y&S Corporation. Yusuf shows that any corporate records should accurately reflect the corporate officers of Y & S Corporation and Yusuf has no information or present knowledge to dispute such records at this time.

2. ADMIT that Hisham Hamed was a stockholder in the Y & S Corporation.

Yusuf is unable to admit or deny Request to Admit 2 as Yusuf does not presently recall the makeup of the board of directors and corporate officers of Y&S Corporation. Further responding, Yusuf shows that the documents relating to the transaction where Hisham Hamed and Nejah Yusuf sold their stock in Y & S Corporation reflect that Hisham was, at one time, a stockholder of Y & S Corporation. Yusuf has no reason to dispute what is reflected in the transactional documents.

3. ADMIT that Y & S Corporation recorded 2.111 acres and 2.0113 acres property with the Recorder of Deeds St. Thomas/St. John, VI no. 6401/1994.

Yusuf is unable to admit or deny Request to Admit 3 as Yusuf does not presently recall the

facts and circumstances surrounding the recordation of the referenced properties. Further responding, Yusuf shows that if the documents referenced show this information, he has no reason or present knowledge to dispute what is reflected in these recorded documents.

4. ADMIT that Y & S Corporation recorded property with the Recorder of Deeds St. Thomas/St. John, VI no. 6408(A)/1994.

Yusuf is unable to admit or deny Request to Admit 4 as Yusuf does not presently recall the facts and circumstances surrounding the recordation of the referenced properties. Further responding, Yusuf shows that if the documents referenced show this information, he has no reason or present knowledge to dispute what is reflected in these recorded documents.

5. ADMIT that in 1994, Y&S Corporation purchased \$900,000 of title insurance for parcels of land in Estate Dorthea, as described in HAMD241631-HAMD241639.

Yusuf is unable to either admit or deny Request 5 as Yusuf is unable to presently recall the specifics of the foregoing transaction, which occurred over 26 years ago. Further responding, Yusuf shows that if the documents referenced show this information, he has no reason or present knowledge to dispute what is reflected in such documents.

6. ADMIT that Hisham Hamed owned 500 shares of Y&S Corporation stock.

Yusuf is unable to admit or deny Request to Admit 6 as Yusuf does not presently recall the makeup of the board of directors and corporate officers of Y&S Corporation. Further responding, Yusuf shows that the documents relating to the transaction where Hisham Hamed and Nejah Yusuf sold their stock in Y & S Corporation reflect that Hisham was, at one time, a stockholder of Y & S Corporation and owned 500 shares of Y & S Corporation stock. Yusuf has no reason or present knowledge to dispute what is reflected in the transactional documents.

7. ADMIT that Nejah Yusuf owned 500 shares of Y & S Corporation stock.

Yusuf is unable to admit or deny Request to Admit 7 as Yusuf does not presently recall the makeup of the board of directors and corporate officers of Y&S Corporation. Further responding, Yusuf shows that the documents relating to the transaction where Hisham Hamed and Nejah Yusuf sold their stock in Y & S Corporation reflect that Nejah was, at one time, a stockholder of Y & S Corporation and owned 500 shares of Y & S Corporation stock. Yusuf has no reason or present knowledge to dispute what is reflected in the transactional documents.

8. ADMIT that Hisham Hamed and Nejah Yusuf transferred their shares of Y & S Corporation stock to Hakim Salem.

Yusuf is unable to admit or deny Request to Admit 8 as Yusuf does not presently recall the makeup of the board of directors and corporate officers of Y&S Corporation. Further responding, Yusuf shows that the documents relating to the transaction where Hisham Hamed and Nejah Yusuf sold their stock in Y & S Corporation reflect that Hisham Hamed and Nejah Yusuf transferred their shares of Y & S Corporation stock to Hakim Salem. Yusuf has no reason or present knowledge to dispute what is reflected in the transactional documents.

9. ADMIT that in consideration of the transfer of its 1000 shares of Y&S, Hakima Salem agreed to pay to Fathi Yusuf.

Yusuf objects to Request No. 9 as it is unclear who transferred “its 1000 shares” to Hakima Salem. Further responding, Yusuf shows that the transactional documents relating to the transfer of Hisham Hamed and Nejah Yusuf’s shares of Y & S Corporation stock designated Yusuf as the nominee for payment of the consideration for the transfer of their shares.

10. ADMIT that in consideration of the transfer of its 1000 shares of Y&S, Hakima Salem did pay funds to Fathi Yusuf.

Yusuf objects to Request No. 10 as it is unclear who transferred “its 1000 shares” to Hakima Salem. Further responding, Yusuf shows that the transactional documents relating to the transfer of Hisham Hamed and Nejah Yusuf’s shares of Y & S Corporation stock designated Yusuf as the nominee for payment of the consideration for the transfer of their shares and that Yusuf eventually received those payments.

11. Admit that Fathi Yusuf owned stock in R&F Condominium, Inc.

Yusuf admits owning stock in R&F Condominium, Inc.

12. ADMIT that in 1994, R & F Condominium, Inc. purchased \$100,000 of title insurance for parcels of land in Estate Dorthea, as described in HAMD241610-HAMD241620.

Yusuf is unable to either admit or deny Request 8 as Yusuf is unable to presently recall the specifics of the transaction noted in Request 12 due to age of the transaction (22 years old). Further responding, Yusuf shows that if documents relating to the transaction reflect that R & F Condominium, Inc. purchased \$100,000 of title insurance for parcels of land in Estate Dorthea, Yusuf has no reason or present knowledge to dispute what is reflected in the transactional documents.

13. ADMIT that Fathi Yusuf gave the testimony under oath on April 2, 2014 as reflected in Exhibit 2 (attached) to the complaint in this case, 2014-SX-CV-278.

Yusuf admits giving testimony under oath on April 2, 2015; however, Yusuf does not waive his right to contest the accuracy of all accounting matters between Yusuf and Hamed to the extent that such matters are determined to be included in this case, including but not limited to the Dorothea sale. Similarly, Yusuf does not waive his right to contest the accuracy of all accounting matters as between Yusuf and Hamed in the 12-cv-370 case and related cases.

Dated: February 17, 2016

Respectfully Submitted,

/s/ Nizar DeWood

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 Responses to Plaintiff's Request to Admit to be served by email upon the below parties of record.

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

/s/ Nizar A. DeWood

Nizar A. DeWood