

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

<b>MOHAMMAD HAMED</b> , by his	)	CIVIL NO. SX-12-CV-370
authorized agent <b>WALEED HAMED</b> ,	)	
	)	
Plaintiff/Counterclaim Defendant,	)	ACTION FOR DAMAGES,
	)	INJUNCTIVE RELIEF
vs.	)	AND DECLARATORY RELIEF
	)	
<b>FATHI YUSUF and UNITED CORPORATION</b> ,	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendants/Counterclaimants,	)	
	)	
vs.	)	
	)	
<b>WALEED HAMED, WAHEED HAMED,</b>	)	
<b>MUFEED HAMED, HISHAM HAMED, and</b>	)	
<b>PLESSEN ENTERPRISES, INC.,</b>	)	
	)	
Additional Counterclaim Defendants.	)	

<hr style="border-top: 1px solid black;"/>	)	CIVIL NO. SX-13-CV-0000152
<b>UNITED CORPORATION</b> ,	)	
	)	
Plaintiff,	)	Action for Damages
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>WADDA CHARRIEZ</b> ,	)	
	)	
Defendant.	)	
<hr style="border-top: 1px solid black;"/>	)	

**MOTION TO CONSOLIDATE CASES**

Fathi Yusuf ("Yusuf"), as the Liquidating Partner of the Plaza Extra Partnership, respectfully moves this Court, pursuant to Fed. R. Civ. P. 42(a), made applicable to proceedings in this Court by Super. Ct. R. 7, to consolidate Case No. SX-13-CV-0000152 ("Case 152") with Case No. SX-12-CV-370 ("Case 370") for final disposition. In support of this motion, Yusuf respectfully represents the following:

1. Pursuant to an "Order Adopting Final Wind Up Plan" entered in Case 370 on January 9, 2015 (the "Wind Up Order"), the Court adopted the "Final Wind Up Plan of the

Plaza Extra Partnership” (the “Plan”), which was attached to the Wind Up Order. Pursuant to § 3 of the Plan, Yusuf was appointed the Liquidating Partner<sup>1</sup> “with the exclusive right and obligation to wind up the Partnership pursuant to this Plan and the provisions of the V.I. Code Ann. tit. 26, § 173(c), under the supervision of the Master.”

2. Pursuant to § 4 of the Plan, “the Liquidating Partner shall have authority to wind up the Partnership business, including full power and authority to sell and transfer Partnership Assets, engage legal, accounting and other professional services, sign and submit tax matters, execute and record a statement of dissolution of Partnership, pay and settle Debts, and marshal Partnership Assets for equal distribution to the Partners following payment of all Debts and a full accounting by the Partners, pursuant to agreement of the Partners or by order of the Court.”

3. Pursuant to § 9, Step 6 of the Plan, “[w]ithin forty-five (45) days after the Liquidating Partner completes the liquidation of the Partnership Assets, Hamed and Yusuf shall each submit to the Master a proposed accounting and distribution plan for the funds remaining in the Claims Reserve Account. Thereafter, the Master shall make a report and recommendation for distribution to the Court for its final determination.” The Master has recently extended the time for Hamed and Yusuf to submit their proposed accounting and distribution plans to May 2, 2016.

4. After Case 152 was filed, pursuant to a summary judgment entered in Case 370 on November 7, 2014, the Court declared that a partnership was formed in 1986 by the oral agreement between Hamed and Yusuf for the ownership and operation of the Plaza Extra

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<sup>1</sup> All capitalized terms not otherwise defined in this motion shall have the meaning provided for in the Plan.

Stores, with each partner having a 50% ownership interest in all partnership assets and profits, and a 50% obligation as to all losses and liabilities.

5. All the claims asserted in Case 152 may be treated as claims for resolution in the liquidation process of the Partnership pursuant to the Plan adopted in Case 370.

Accordingly, since Case 370 is the oldest case, Yusuf respectfully moves the Court to consolidate Case 152 with Case 370 for final disposition. A proposed Order is respectfully submitted with this motion.

Respectfully submitted,

**DUDLEY, TOPPER and FEUERZEIG, LLP**

DATED: March 17, 2016

By: 

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Attorneys for Fathi Yusuf, the Liquidating Partner

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Civil No. SX-12-CV-370  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of March, 2016, I caused the foregoing **Motion To Consolidate Cases** to be served upon the following via e-mail:

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

<b>MOHAMMAD HAMED</b> , by his authorized agent <b>WALEED HAMED</b> ,	)	CIVIL NO. SX-12-CV-370
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Plaintiff/Counterclaim Defendant,	)	ACTION FOR DAMAGES, INJUNCTIVE RELIEF AND DECLARATORY RELIEF
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vs.	)	<b>JURY TRIAL DEMANDED</b>
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<b>FATHI YUSUF and UNITED CORPORATION</b> ,	)	
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Plaintiff,	)	Action for Damages
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<b>WADDA CHARRIEZ</b> ,	)	
	)	
Defendant.	)	
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**ORDER**

Upon the Motion to Consolidate Cases filed by Fathi Yusuf, as the Liquidating Partner of the Plaza Extra Partnership, and for good cause shown, it is accordingly,

**ORDERED** that Case No. SX-13-CV-0000152 is hereby consolidated with Case No. SX-12-CV-370.

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Civil No. SX-12-CV-370  
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Honorable Robert A. Molloy  
Judge of the Superior Court of the  
Virgin Islands

ATTEST:

Estrella George  
Acting Clerk of the Court

By: \_\_\_\_\_  
Deputy Clerk

cc: Nizar A. DeWood, Esq.  
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Gregory H. Hodges, Esq.  
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The Honorable Edgar A. Ross