

JOEL H. HOLT, ESQ.P.C.

2132 Company Street, Suite 2
Christiansted, St. Croix
U.S. Virgin Islands 00820

Tel. (340) 773-8709
Fax (340) 773-8677
E-mail: holtvi@aol.com

May 31, 2016

Stefan Herpel, Esq.
Law House
1000 Frederiksberg Gade (P.O. Box 756)
St. Thomas, U.S.V.I. 00804-0756

Re: *Fathi Yusuf v Peter's Farm Investment Corp. et. al.*, ST-15-cv-344

Dear Stefan:

My client, Waleed Hamed, received Plaintiff's Responses to Defendant Waleed M. Hamed's First Set of Interrogatories and Plaintiff's Rule 34 Responses to Defendant Waleed Hamed's First Set of Requests for Production of Documents, both dated April 20, 2016, although the documents and the verification page for the interrogatory responses were not produced. As of the date of this letter, several requests have some documents produced.

Of critical importance, while the response to Document Request 13 indicated that documents would be provided, those have not yet been received despite the several specific emails I sent regarding those document. See Group **Exhibit 1**. Those need to be produced.

Equally significant, no verification page was provided for the interrogatories produced by your client on April 20, 1016.

Additionally, after reviewing the responses and objections, my client has identified the following additional specific deficiencies identified below.

Please either supplement all of this requested information in the next 15 days or provide me with a date to meet and confer to discuss those deficiencies pursuant to Rule 37 during the week of June 20, 2016.

In addition to the two items already mentioned, these matters need to be addressed as well.

I. Interrogatories

ROG 1:

Describe all claims you have or may have with regard to defendant for any type of relief sought in this lawsuit, including but not limited to money damages, and for each such claim, describe all factual bases and all documents or other evidence which support the claim(s).

Response 1:

Plaintiff objects to this interrogatory on the grounds that, as written, it is overly broad, vague and unduly burdensome. Subject to that objection, Plaintiff states that the claims in this case seek equitable relief primarily, and that relief is identified in the Prayer for Relief in the Complaint. The only money damages sought at this time are prevailing party attorney fees. The facts in support of each claim are likewise set forth in the Complaint.

Deficiency:

We understand that you are waiving any other monetary claims. If this is NOT the case, please answer the inquiry. As for the underlying facts, the rules for pleading in a Complaint are minimal – but the rules of discovery are broad. The response is insufficient – you are required to relate whatever facts are known for each claim at this time. Please state whatever facts are known with reference to documents, witnesses and similar information.

ROG 2:

Please provide the following for each piece of property owned by Peter's Farm Investment Corporation:

- a) Description of the property;
- b) The Island where the property is located;
- c) Date property was purchased;
- d) Purchase price paid;
- e) Date property was sold (if applicable);
- f) Number recorded in the Real Property Register for the Recorder of Deeds.

Response:

The properties owned by Peter's Farm Investment Corporation are as follows:

PARCEL

TAX PARCEL NO.

PARCELS 5A, 6A PETERS FARM (ST. CROIX)

25-A REM MATR PETERS FARM

2-04900-0404-00

(ST. CROIX)
SPRING GARDEN PARCEL (ST. CROIX) 4-01900-01 01-00
REM 2 LONG PT & COTTON GRD 2-03500-0414-00
(ST. CROIX)
PERSERVERANCE PARCEL (ST. THOMAS) 1-02503-0101-00

Plaintiff objects to the details sought in subparagraphs (b) - (d) and (f) on the grounds that this information is either in the possession of Defendants or is a matter of public record, and thus is just as easily ascertainable to Defendants as it is to Plaintiff. Notwithstanding that objection, Plaintiff will undertake a search for any records in its possession that contain this information and produce them. Plaintiff will supplement this answer with descriptions of any property that was once owned, but is no longer owned by Peter's Farm Investment Corporation.

Deficiency:

As Plaintiff knows, Rule 33 does not excuse a party from responding because information may be in the public record or could be obtained by other means by the requesting party. Please provide a timeframe for responding to this interrogatory fully.

ROG 3:

Please provide the following for each piece of property owned by Sixteen Plus Corporation:

- g) Description of the property;
- h) The Island where the property is located;
- i) Date property was purchased;
- j) Purchase price paid;
- k) Date property was sold (if applicable);
- l) Number recorded in the Real Property Register for the Recorder of Deeds.

Response:

The properties presently owned by Sixteen Plus Corporation are as follows:

PARCEL	TAX PARCEL NO.
1,2,3,4 & 31 DIAMOND (ST. CROIX)	2-08600-0104-00
32-A & 40 GRANARD (ST. CROIX)	2-08500-0208-00
9, 10, 32-8, 46-A CANE GARDEN (ST. CROIX)	2-08500-0401-00
PAR 11 RETREAT & PETERS MINDE (ST. CROIX)	2-08500-0403-00
8 CANE GARDEN (ST. CROIX)	2-08500-0404-00

21-15 FRENCHMAN'S BAY (ST. THOMAS) 1-07 404-0280-00
21-17 FRENCHMAN'S BAY (ST. THOMAS) 1-07 404-0281-00

Plaintiff objects to the details sought in subparagraphs (i) – (j) and (l) on the grounds that this information is either in the possession of Defendants or is a matter of public record, and thus is just as easily ascertainable to Defendants as it is to Plaintiff.

Notwithstanding that objection, Plaintiff will undertake a search for any records in its possession that contain this information and produce them. Plaintiff will supplement this answer with descriptions of any property that was once owned, but is no longer owned by Sixteen Plus Corporation.

Deficiency:

As Plaintiff knows, Rule 33 does not excuse a party from responding because information may be in the public record or could be obtained by other means by the requesting party. Please provide a timeframe for responding to this interrogatory fully.

ROG 5:

5. Did Sixteen Plus ever borrow funds to help secure the purchase of any property it has owned in the Virgin Islands and if so, please state for each such loan:

- a) The name and location of the lender;
- b) The property purchased with the loan proceeds;
- c) The amount of the loan;
- d) The date of the loan;
- e) The date of all payments on the loan;
- f) The current address and phone number of the lender;
- g) The last date you had any communication with the lender; and
- h) The current balance on the loan.

Response:

Yes. The name of the lender is Manal Mohamad Yousef and the date of the loan was September 15, 1997. The amount of the loan was \$4.5 million dollars. Three interest only payments were made during the 1998-2000 period to Manal Mohamad Youseff. The last communication with the lender spoke by telephone with his agent. The current principal balance on the loan is \$4.5 million, plus accrued interest.

Deficiency:

This response does not fully answer the interrogatory. Please provide a timeframe for responding to the following: the location, address and phone

number of the lender, Manal Mohamad Yousef, the property purchased with the loan proceeds and the last date you had any communications with the lender.

II. Request for the Production of Documents

As a general matter, the documents produced were given categories, but were not identified as relating to a specific request. Rule 34 (b)(2)(E)(i) states "A party must produce documents as they are kept in the usual course of business or must organize and label them to correspond to the categories in the request." Please label each document with to its corresponding request for production number. It is unclear whether documents for RFPDs, numbers 1-6, 8-10, 13-14, 21, and 23 have been produced.

Further, a privilege log has not been provided. Please provide a privilege log or state that no documents have been withheld on the basis of privilege.

RFPDs 11:

Please provide all documents for the relevant time period relating to property owned by the Peter's Farm Investment Corporation. Documents shall include, but are not limited to, deeds, closing statements, canceled checks, surveys, title searches, and title insurance.

RESPONSE:

Plaintiff objects to this request on the grounds of overbreadth, vagueness, relevance and on the grounds that the request is unduly burdensome.

Deficiency:

Plaintiff has given no explanation as to why this is an overly broad, vague, unduly burdensome or irrelevant request. Plaintiff requested an order appointing a receiver for Peter's Farm and for Sixteen Plus to sell the real estate holdings of both corporations. Defendant is entitled to understand exactly what property is being contemplated in the Defendant's prayer for relief. Further, Plaintiff alleges in his Complaint that the assets of Peter's Farm consist almost entirely of unimproved land in St. Croix and St. Thomas. The information requested will help Plaintiff determine the veracity of this statement.

RFPDs 12:

12. Please provide all documents for the relevant time period relating to property owned by Sixteen Plus. Documents shall include, but are not limited to, deeds, closing statements, canceled checks, surveys, title searches, and title insurance.

RESPONSE:

Plaintiff objects to this request on the grounds of overbreadth, vagueness, relevance and on the grounds that the request is unduly burdensome.

Deficiency:

Plaintiff has given no explanation as to why this is an overly broad, vague, unduly burdensome or irrelevant request. Plaintiff requested an order appointing a receiver for Sixteen Plus to sell the real estate holdings of Sixteen Plus. Defendant is entitled to understand exactly what property is being contemplated in the Defendant's prayer for relief. Further, Plaintiff alleges that the assets of Sixteen Plus consist almost entirely of unimproved land in St. Croix and St. Thomas. The information requested will help Plaintiff determine the veracity of this statement.

RFPDs 15:

15. Please provide documents generated by attorneys, financial consultants, investment advisors, accountants, bookkeepers or realtors paid more than \$100 by you, any member of your family, any corporation or entity in which you have any interest for work done for the Peter's Farm Investment Corporation during the relevant time period.

RESPONSE:

Plaintiff objects to this request on the grounds of overbreadth, vagueness, relevance and on the grounds that the request is unduly burdensome.

Deficiency:

Plaintiff has given no explanation as to why this is an overly broad, vague, unduly burdensome or irrelevant request. Plaintiff requested an order appointing a receiver for Peter's Farm to sell the real estate holdings of both corporations. Defendant is entitled to understand whether the Plaintiff has entered into any negotiations to sell Peter's Farm property without the Defendants knowledge. The documents requested would further that understanding. Further, the bank account for Peter's Farm has been controlled for a period of time outside of the Defendant's oversight. Defendant has a right to understand any funds expended by Plaintiff in relation to Peter's Farm.

RFPDs 16:

Please provide documents generated all attorneys, financial consultants, investment advisors, accountants, bookkeepers or realtors paid more than \$100 by you, any member of your family, any corporation or entity in which you have any interest for work done for Sixteen Plus during the relevant time period.

RESPONSE:

Plaintiff objects to this request on the grounds of overbreadth, vagueness, relevance and on the grounds that the request is unduly burdensome.

Deficiency:

Plaintiff has given no explanation as to why this is an overly broad, vague, unduly burdensome or irrelevant request. Plaintiff requested an order appointing a receiver for Sixteen Plus to sell the real estate holdings of both corporations. Defendant is entitled to understand whether the Plaintiff has entered into any negotiations to sell Sixteen Plus property without the Defendants knowledge. The documents requested would further that understanding. Further, the bank account for Sixteen Plus has been controlled for a period of time outside of the Defendant's oversight. Defendant has a right to understand any funds expended by Plaintiff in relation to Sixteen Plus.

RFPDs 17:

Please provide for the relevant time period all bank statements, canceled checks, deposits and transfer slips for all Peter's Farm Investment Corporation bank accounts.

RESPONSE:

Plaintiff objects to this request on the grounds of overbreadth, vagueness, relevance and on the grounds that the request is unduly burdensome.

Deficiency:

Plaintiff has given no explanation as to why this is an overly broad, vague, unduly burdensome or irrelevant request. Defendant is entitled to understand the banking transactions for Peter's Farm Investment Corporation. Further, the bank account for Peter's Farm has been controlled for a period of time outside of the Defendant's oversight. Defendant has a right to examine any banking transactions related to Peter's Farm.

RFPDs 18:

Please provide for the relevant time period all investment statements, canceled checks, deposits and transfer slips for all Peter's Farm Investment Corporation investment accounts.

RESPONSE:

Plaintiff objects to this request on the grounds of overbreadth, vagueness, relevance and on the grounds that the request is unduly burdensome.

Deficiency:

Plaintiff has given no explanation as to why this is an overly broad, vague, unduly burdensome or irrelevant request. Defendant is entitled review investment

statements, canceled checks, deposits and transfer slips for all Peter's Farm Investment Corporation investment accounts.

RFPDs 19:

Please provide for the relevant time period all bank statements, canceled checks, deposits and transfer slips for all Sixteen Plus bank accounts.

RESPONSE:

Plaintiff objects to this request on the grounds of overbreadth, vagueness, relevance and on the grounds that the request is unduly burdensome.

Deficiency:

Plaintiff has given no explanation as to why this is an overly broad, vague, unduly burdensome or irrelevant request. Defendant is entitled to understand the banking transactions for Sixteen Plus. Further, the bank account for Sixteen Plus has been controlled for a period of time outside of the Defendant's oversight. Defendant has a right to examine any banking transactions related to Sixteen Plus.

RFPDs 20:

Please provide for the relevant time period all investment statements, canceled checks, deposits and transfer slips for all Sixteen Plus investment accounts.

RESPONSE:

Plaintiff objects to this request on the grounds of overbreadth, vagueness, relevance and on the grounds that the request is unduly burdensome.

Deficiency:

Plaintiff has given no explanation as to why this is an overly broad, vague, unduly burdensome or irrelevant request. Defendant is entitled review investment statements, canceled checks, deposits and transfer slips for all Sixteen Plus investment accounts.

RFPDs 22:

Please provide all letters, memos, notes, meeting minutes or emails concerning the Peter's Farm Investment Corporation.

RESPONSE:

Plaintiff objects to this request on the grounds of overbreadth, vagueness, relevance and on the grounds that the request is unduly burdensome.

Deficiency:

Plaintiff has given no explanation as to why this is an overly broad, vague, unduly burdensome or irrelevant request. Plaintiff has alleged in his Complaint that there have been no meetings of the shareholders after March 4, 1995 to elect directors of Peter's Farm. The documents identified in request no. 22 may shed light on the veracity of that statement.

RFPDs 24:

Please provide all letters, memos, meeting minutes, notes or emails concerning the Sixteen Plus Corporation.

RESPONSE:

Plaintiff objects to this request on the grounds of overbreadth, vagueness, relevance and on the grounds that the request is unduly burdensome.

Deficiency:

Plaintiff has given no explanation as to why this is an overly broad, vague, unduly burdensome or irrelevant request. Plaintiff has alleged in his Complaint that there have been no meetings of the shareholders to elect directors of Sixteen Plus. The documents identified in request no. 24 may shed light on the veracity of that statement.

As noted, please either supplement these responses or let me know as soon as possible when you are able to meet and confer on any unresolved issues on any date during the week of June 20, 2016.

Cordially,

Joel H. Holt
JHH/jf

cc: Carl Hartmann

From: Joel Holt <holtvi@aol.com>
To: sherpel <sherpel@dtflaw.com>; carl <carl@carlhartmann.com>; kimjapinga <kimjapinga@gmail.com>
Cc: nizar <nizar@dewood-law.com>
Bcc: wallyhstx <wallyhstx@yahoo.com>
Subject: Re: Additional Documents in Sixteen Plus/Peter's Farm Case
Date: Tue, May 17, 2016 7:08 am

Stefan—these are responsive to #12, but none were produced responsive to #13 even though your client said they would be produced—please follow up on #13—thanks

Joel H. Holt, Esq.
2132 Company Street
Christiansted, St. Croix
U.S. Virgin Islands 00820
(340) 773-8709

-----Original Message-----

From: Stefan B. Herpel <sherpel@dtflaw.com>
To: carl <carl@carlhartmann.com>; 'holtvi@aol.com' <holtvi@aol.com>
Cc: Nizar A. DeWood, Esq. (nizar@dewood-law.com) <nizar@dewood-law.com>
Sent: Tue, May 17, 2016 12:39 am
Subject: Additional Documents in Sixteen Plus/Peter's Farm Case

Carl and Joel,

Attached are additional documents we have located that are responsive to the document request (and I believe to requests 12 and 13 that Joel inquired about).

Regards,

Stefan

From: Joel Holt <holtvi@aol.com>
To: sherpel <sherpel@dtflaw.com>
Cc: nizar <nizar@dewood-law.com>; carl <carl@carlhartmann.com>; kimjapinga <kimjapinga@gmail.com>
Subject: Re: Document Production Peter's Farm/Sixteen Plus Case
Date: Thu, May 12, 2016 3:14 pm

Any response to this email?

Joel H. Holt, Esq.
2132 Company Street
Christiansted, St. Croix
U.S. Virgin Islands 00820
(340) 773-8709

-----Original Message-----

From: Joel Holt <holtvi@aol.com>
To: sherpel <sherpel@dtflaw.com>
Cc: nizar <nizar@dewood-law.com>; carl <carl@carlhartmann.com>; kimjapinga <kimjapinga@gmail.com>
Sent: Mon, May 9, 2016 11:23 am
Subject: Re: Document Production Peter's Farm/Sixteen Plus Case

Stefan--while you have indicated this is all of the document production, you have not produced any documents responsive to document requests 13 and 14 (attached) as promised--can you forward those documents?

Joel H. Holt, Esq.
2132 Company Street
Christiansted, St. Croix
U.S. Virgin Islands 00820
(340) 773-8709

-----Original Message-----

From: Stefan B. Herpel <sherpel@dtflaw.com>
To: carl <carl@carlhartmann.com>; 'holtvi@aol.com' <holtvi@aol.com>
Cc: Nizar A. DeWood, Esq. (nizar@dewood-law.com) <nizar@dewood-law.com>
Sent: Fri, May 6, 2016 6:10 pm
Subject: Document Production Peter's Farm/Sixteen Plus Case

Here is the last installment of documents being produced (FY 1148 – FY 1167).