

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

UNITED CORPORATION **Plaintiff**)
)
)
)
vs)
)
WALEED HAMED AKA WALLY,)
WALLY HAMED, JOHN DOE)

Defendant

CASE NO. SX-13-CV-0000003

ACTION FOR: DAMAGES - CIVIL

**NOTICE OF ENTRY OF
ORDER OF DISMISSAL**

TO: NIZAR DEWOOD, ESQ.; GREGORY HODGES, ESQ.;
JOEL HOLT, ESQ.; CARL HARTMANN III, ESQ.;
MARK ECKARD, ESQ.; JEFFREY MOORHEAD, ESQ.;
HON. EDGAR A. ROSS (edgarrossjudge@hotmail.com)

Please take notice that on August 05, 2016 a(n) ORDER OF DISMISSAL
dated August 05, 2016 was entered by the Clerk in the above-entitled matter.

Dated: August 05, 2016

Estrella H. George
Acting Clerk of the Court



IRIS D. CINTRON
COURT CLERK II

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

UNITED CORPORATON,)	
)	
	Plaintiff,	
)	CIVIL NO. SX-13-CV-003
v.)	
)	
)	ACTION FOR DAMAGES,
)	INJUNCTIVE RELIEF and
WALEED HAMED,)	DECLARATORY JUDGMENT
)	
	Defendant.	
)	

ORDER DISMISSING COMPLAINT

Before the Court is Plaintiff United Corporation’s Motion to Dismiss without Prejudice, filed September 8, 2014. The following fully briefed motions are also pending: Defendant’s Motion for Judgment on the Pleadings, filed April 12, 2013; Defendant’s Rule 12(c) Motion to Dismiss for Lack of Standing, filed April 23, 2014; Defendant’s Motion and Memorandum for Summary Judgment, filed March 23, 2016; and Plaintiff’s Motion to Substitute Necessary Party, filed July 11, 2016. This matter is also the subject of a Motion to Consolidate Cases, filed by Defendant/Counterclaimant Fathi Yusuf in Case No. SX-12-CV-370 (*Mohammed Hamed by his authorized agent Waleed Hamed v. Fathi Yusuf and United Corporation v. Waleed Hamed, Waheed Hamed, Mufeed Hamed, Hisham Hamed, and Plessen Enterprises, Inc.*)

Plaintiff and Fahti Yusuf, the “necessary party” who is the subject of Plaintiff’s Motion to Substitute, are named Defendants and Counterclaimants in Case No. SX-12-CV-370. Therein, they are prosecuting their Counterclaim against, among others, Defendant herein. By its Motion to Dismiss, Plaintiff correctly notes that as Counterclaim-Defendant in that case, Defendant Waleed Hamed is subject to the same claims as are asserted in this matter by the same party(ies). Accordingly, to avoid duplicative litigation in the interests of judicial economy, Plaintiff’s Motion to Dismiss will be granted. Since those same claims are being actively prosecuted in a separate action involving the same parties, this matter will be dismissed with prejudice.

In light of the volume of litigation in other matters now pending, filed by and against the parties to this case and their families, wherein all parties will continue to incur substantial litigation

costs including attorney's fees, the Court will exercise its discretion and decline to award attorney's fees in this matter.¹ In light of the foregoing, it is hereby

ORDERED that Plaintiff's Motion to Dismiss without Prejudice is GRANTED, in part. It is further

ORDERED that Plaintiff's Complaint is DISMISSED WITH PREJUDICE. It is further

ORDERED that each party shall bear its own costs, including attorney's fees. It is further

ORDERED that Defendant's Motion for Judgment on the Pleadings is DENIED, as moot.

It is further

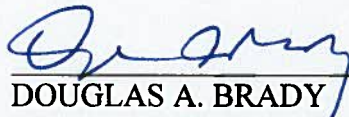
ORDERED that Defendant's Rule 12(c) Motion to Dismiss for Lack of Standing is DENIED, as moot. It is further

ORDERED that Defendant's Motion for Summary Judgment is DENIED, as moot. It is further

ORDERED that Plaintiff's Motion to Substitute Necessary Party is DENIED, as moot. It is further

ORDERED that Fahti Yusuf's Motion to Consolidate Cases is DENIED, as moot.

August 5, 2016



DOUGLAS A. BRADY
Judge of the Superior Court

ATTEST:

ESTRELLA GEORGE
Acting Clerk of the Court

By: 

Court Clerk Supervisor

¹ Although no motion seeking attorney's fees has been filed, in his Response to Plaintiff's Motion to Dismiss without Prejudice, Defendant states that an award to Defendant of his attorney's fees incurred should accompany an order of dismissal. This Order denies Defendant's request for an award of fees to eliminate the need to address that issue in subsequent filings. See *Mahabir v. Heirs of George*, 63 V.I. 651, 665-66 n.7 (V.I. 2015).