

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

FATHI YUSUF,

Plaintiff,

v.

PETER'S FARM INVESTMENT  
CORPORATION, SIXTEEN PLUS  
CORPORATION, MOHAMMAD A.  
HAMED, WALEED M. HAMED,  
WAHEED M. HAMED, MUFEED M.  
HAMED, AND HISHAM HAMED,

Defendants,

Case No.: 2015-ST-CV-344

ACTION FOR DISSOLUTION  
AND OTHER RELIEF

JURY TRIAL DEMANDED

**DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION  
TO COMPEL DISCOVERY RE PHONE NUMBER OF MANAL YOUSEF**

This case involves, inter alia, the dissolution of Sixteen Plus Corporation, which owns a large 600-acre plus parcel of land on St. Croix. Defendants sent an interrogatory requesting Fathi Yusuf, the Plaintiff herein, for the name, address and phone number of any party who claimed to hold a mortgage against this property. The Plaintiff provided the name and last known address of one such alleged mortgagee, Manal Yousef, a *niece of Fathi Yusuf*, who supposedly resides in St. Martin. However, Yusuf objected to producing her phone number based upon "the decision in *Nathaniel v. American Airlines*, 2008 U.S. Dist. LEXIS 95336 (D. V.I. 2008)." This motion to compel the production of that phone number was then filed.

In his opposition to this motion to compel the production of her phone number, the Plaintiff concede that the holding in *Nathaniel* does not prevent this disclosure based on the issues before this Court. In this regard, Plaintiff concedes that Manal

Yousef is neither his employee nor a person whose statements could be binding against him regarding his dissolution claim in this case. Moreover, the Plaintiff does not argue that Yousef's contact information is irrelevant here—indeed her testimony is relevant in determining whether certain property that may be subject to a final dissolution order has a valid lien against it. Thus seeking this information is clearly “discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action” requiring its production in this case.

Instead, the Plaintiff argues that *Nathaniel* prevents this disclosure because Sixteen Plus Corporation (not the Hamed defendants) has another case pending against Manal Yousef, so that she cannot be contacted except through her alleged counsel in that case. That argument is without merit for several reasons.

First, the ability to locate and investigate the critical witness by use of discoverable evidence does not mean that she will be contacted, much less by counsel. Second, and equally important, Plaintiff did not present any proof that Manal Yousef has retained counsel in another case, as he only promised to do so, as noted in footnote 2, despite being given an extension to file his opposition memorandum.

Third, even if Manal Yousef is represented by counsel in another case, that fact would not justify the Plaintiff here from withholding relevant information in this case—Yousef's phone number—if he has it. Indeed, since the Plaintiff, Fathi Yusuf, is a shareholder in Sixteen Plus as well, it is absurd for him to assert the Hamed shareholders can only contact her through her alleged counsel while he (or any other Yusuf shareholder) can contact her directly.

Indeed, in the case upon which *Nathaniel* relies, *Mendez v. Hovensa LLC*, 49 V.I. 849, 2008 WL 906768 (DVI 2008), the District Court noted many reasons for requiring such requested information to be produced, as also required by Rule 26, to allow an opposing party access to addresses and phone numbers of all potential witnesses:

Confidential interviews with witnesses are necessary “to ascertain what, if any, information the witness may have relevant to his theory of the case, and to explore the witness’ knowledge, memory and opinion.” *Id.* at 1034 (quotation omitted).

Finally, depositions are expensive. As the court noted in *Chancellor v. Boeing Co.*, 678 F.Supp. 250, 252 (D.Kan.1998), “formal discovery of a large number of potential witnesses may well frustrate the right of an individual plaintiff with limited resources to a fair trial and deter other litigants from pursuing their legal remedies.” *Id.* at 867, \*9-10.

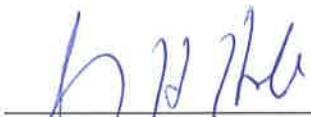
One last comment is in order in response to the history of the parties contained in the Plaintiff’s opposition memorandum. The validity of the Yousef mortgage and whether she has ever retained counsel to represent her regarding this mortgage was previously raised with another lawyer from St. Martin, who also claimed to represent her in 2012 before backing off that assertion. See **Exhibit 1**. It has yet to be seen whether Attorney Walker has any such actual authority to do so, which will certainly be questioned if she does make that assertion.<sup>1</sup>

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<sup>1</sup> The Court may find it interesting that Manal Yousef’s alleged lawyer, Kye Walker, represents Fahti Yusuf’s daughter in her divorce case against Hisham Hamed, a defendant in this case. Indeed, to date Attorney Walker has not entered an answer for Manal Yousef in the other referenced case, despite a court order that she should do so by June 30, 2016. See **Exhibit 1**. As that date has long passed, it creates a serious question as to whether Attorney Walker has in fact been retained by Manal Yousef, or whether Fathi Yusuf (or another member of the Yusuf family) asked her to do so. In fact, Sixteen Plus continued to serve Manal Yousef by publication as it doubts Attorney Walker has authority to file an answer. See **Exhibit 1**. Of course, if Attorney Walker does represent a mortgage holder of Sixteen Plus, that may raise some serious conflict issues for Fathi Yusuf.

In summary, **there is absolutely no authority in *Nathaniel* that allows the Plaintiff to withhold the phone number of Manal Yousef in this case.** To the contrary, there are a plethora of reasons for requiring this information to be produced, particularly since the witness is allegedly in St. Martin. Thus, for the reasons set forth herein, it is respectfully submitted that this Court should compel the Plaintiff to produce this phone number.

**Dated:** September 12, 2016



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**Joel H. Holt, Esq. (Bar # 6)**  
*Counsel for Defendants*  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, VI 00820  
Email: holtvi@aol.com  
Tele: (340) 773-8709  
Fax: (340) 773-8677

**Carl J. Hartmann III, Esq.**  
*Co-Counsel for Defendants*  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
Email: carl@carlhartmann.com

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2016 a true and accurate copy of the foregoing was served by email, as agreed by the parties, on:

**Gregory Hodges**  
**Stefan B. Herpel**  
Dudley, Topper and Feuerzeig  
1000 Frederiksberg Gade – Box 756  
St. Thomas, VI 00804

**Nizar A. DeWood**  
The Dewood Law Firm  
Eastern Suburb, Suite 101  
Christiansted, VI 00820



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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

FATHI YUSUF,

Plaintiff,

v.

PETER'S FARM INVESTMENT  
CORPORATION, SIXTEEN PLUS  
CORPORATION, MOHAMMAD A.  
HAMED, WALEED M. HAMED,  
WAHEED M. HAMED, MUFEED M.  
HAMED, and HISHAM M. HAMED,

Defendants.

Case No.: ST-2015-CV-344

ACTION FOR DISSOLUTION  
AND OTHER RELIEF

DECLARATION OF JOEL H. HOLT

I, Joel H. Holt, declare, pursuant to 28 U.S.C. Section 1746, as follows:

1. I am counsel of record and am personally familiar with the facts set forth herein.
2. Attached as **Exhibit A** are true and accurate copies of letters exchanged in 2012 with a lawyer in St. Martin who previously claimed to represent Manal Yousef that are self explanatory.
3. Attached as **Exhibit B** are true and accurate pleadings from the foreclosure case filed against Manal Yousef by Sixteen Plus Corporation. As it is unclear whether Manal Yousef has in fact retained Kye Walker, service has now been made by publication despite the prior Notice of Appearance being filed by Attorney Walker.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 12, 2016

  
\_\_\_\_\_  
JOEL H. HOLT

Bumberg No. 5208

EXHIBIT

1

Sixteen Plus Corporation  
4 C & D Sion Farm  
Christiansted  
St. Croix 00820, U.S.V.I.

Par Courier

St. Maarten, December 12, 2012

Ref.: **Manal Mohamad Yousef / Collection loan**

Dear Sir, Madame,

My client Manal Mohamad Yousef requested me to inform you of the following.

As it appears from documents in my possession your company owes client an amount of no less than US\$ 14,612,662.23 (Fourteen Million Six Hundred Twelve Thousand Six Hundred Sixty Two United States Dollars and Twenty Three Dollar Cent), for both principle and interest, based on a promissory note between client and your company dated September 15, 1007 and a First Priority Mortgage dated February 22, 1999. Apart from this your company owes client at least an amount of US\$ 3,000,000.00 for late penalties.

Client is no longer willing to accept your negligent payment behavior and hereby summons you to pay off the entire debt mentioned, to the total of **US\$ 17,612,662.23**, to client within two (2) weeks from the postdating of this letter. Failure to comply therewith shall result in legal measures taken against your company forthwith, the costs of which will be for your account only.

Sincerely yours,

Jelmer G. Snow



# JOEL H. HOLT, ESQ. P.C.

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

Tele. (340) 773-8709  
Fax (340) 773-8677  
E-mail: [holtvi@aol.com](mailto:holtvi@aol.com)

December 24, 2012

Jelmar G. Snow, Esq.  
BZSE  
Kudu Driver #2, Bel Air  
P.O. Box 373, Philipsburg  
Sint Maarten

Via fax 599-542-7551 and mail

**Re: Manal Mohamad Yousef/Sixteen Plus, Inc.**

Dear Mr. Snow:

I understand why you rudely hung up on me on Friday, as you now obviously realize that you should have never sent the letter in question to Sixteen Plus, Inc. Aside from the fact that you are effectively practicing law in a jurisdiction where you are not admitted, you sent a letter on behalf of a person, Manal Mohamad Yousef, whom you have apparently never met or spoken with--and who appears to never have authorized you to send that letter.

Indeed, I do not understand why a lawyer in Sint Maarten would not question the propriety of being asked by someone from the Virgin Islands to send a demand letter to someone in the Virgin Islands involving real property located in the Virgin Islands. It is hard to believe that this scenario did not make you suspicious when you were retained by Mr. Yusuf to send this letter.

I suspect Mr. Yusuf assured you it was proper, but in my view you have an independent duty to verify certain basic facts about the matter before sending such a letter under the questionable circumstances in question. Had you inquired further, you would have found that Mr. Yusuf's family owns one-half of Sixteen Plus, Inc. Obviously he appears to be using your services to try to obtain the other 50% shareholder's interest. Of course, if the mortgage were valid, your alleged client, Manal Mohamed Yousef, would be adverse to your actual client, Mr. Yusuf.

If you had inquired further you would also have discovered that Mr. Yusuf, along with the United Corporation and others, was indicted by the taxing authorities in the Virgin Islands in 2003. While the case against Mr. Yusuf (and others) was finally dropped in

2010, the United Corporation, whom I suspect actually paid for your services, remains under indictment.

Finally, if you had inquired further, you would have discovered that Mr. Yusuf is involved in civil litigation with his partner here, which indirectly involves the asset owned by Sixteen Plus, Inc. Had you known this, you might have thought to ask him why he did not use any of the multiple lawyers he has already retained (who are admitted here) to send the letter you sent.

In due course, the mortgage will be proven to be invalid in my opinion, but I question whether you should remain involved any further in this matter in this jurisdiction unless (1) you can produce something in writing demonstrating that you have authorization to represent Manal Mohamed Yousef which (2) also waives any conflict you appear to have in representing Mr. Yusuf at the same time. I would be very interested in seeing such a document. If you do decide to become involved further here, you might also look into the law in the Virgin Islands regarding what should be included in a demand letter.

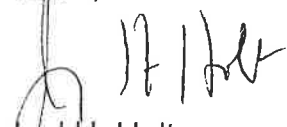
You also commented on the timing of my call, as the holidays are here, but you are the one who dictated the timing by requesting a response by December 26, 2012. I had called twice earlier in the week, as I had hoped a phone call would resolve this matter, but since you requested a written response when we finally spoke on Friday, please consider this letter as that response.

Finally, as for your comment about "American" lawyers, if you take the time to check me out, you will find I have an excellent reputation as well, despite what Mr. Yusuf might say. Indeed, Mr. Yusuf would do far better trying to amicably resolve these matters with his partner than resorting to such tactics like having a Sint Maarten Lawyer send a demand letter to a company in which his family has a 50% interest. In any event, while I do not like sending letters like this one, neither you nor Mr. Yusuf has left me any other alternative.

Please let me know if you have any questions or if you think there is additional information I should know. I am always glad to discuss anything you think I may have misunderstood or overlooked. However, if you wish to communicate with Sixteen Plus, Inc., please do so in writing sent to my attention at the above address.

Enjoy the rest of the holidays.

Yours,



Joel H. Holt  
JHH/jf



\*\*\*\*\*  
\*\*\* FAX TX REPORT \*\*\*  
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TRANSMISSION OK

JOB NO. 0224  
DESTINATION ADDRESS 0115995427551  
SUBADDRESS  
DESTINATION ID  
ST. TIME 12/24 10:35  
TX/RX TIME 02' 14  
PGS. 3  
RESULT OK

**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: holtvl@aol.com**

**FAX COVER SHEET**

**FAX NUMBER TRANSMITTED TO: 011-599-542-7551**

**To: Jelmer G. Snow  
Of:  
From: Joel H. Holt  
Client: Manal Mohamad Yousef/Sixteen Plus, Inc.  
Date: December 24, 2012**

DOCUMENTS	NUMBER OF PAGES
Letter	2

**COMMENTS:**

Subj: **Your letter of today**  
Date: 12/24/2012 11:55:30 A.M. Atlantic Standard Time  
From: [jsnow@bzselaw.com](mailto:jsnow@bzselaw.com)  
To: [Holtvi@aol.com](mailto:Holtvi@aol.com)

Dear Mr. Holt,

Apart from not being aware of any 'rude hang up' on your unannounced interrogative phone call of last Friday, please be notified that I am not accustomed to interrogations being conducted by opposing (American) lawyers through phone calls and see no reason to cooperate therewith. In case you find it necessary to interrogate me for whatever reason, you are strongly advised to follow the proper procedure(s).

I will discuss the relevant parts of your letter with client and will get back to you in due time.

Sincerely,

**mr. Jelmer G. Snow**  
*Attorney at Law*



Attorneys at Law | Tax Lawyers

Kudu Drive 2, Belair

P.O. Box 737

St. Maarten

Tel: +1 (721) 542.3832 / +1 (721) 542.7550

Fax: +1 (721) 542.7551

Mobile: +1 (721) 554.4757

[jsnow@bzselaw.com](mailto:jsnow@bzselaw.com)

[www.bzselaw.com](http://www.bzselaw.com)

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***EXCLUSIVE CONTRACTING PARTY:***

*BergmanZwanikkenSnowEssed Attorneys at Law is the trade name of a partnership of limited liability companies, registered with the trade register on the Country of Sint Maarten. BergmanZwanikkenSnowEssed is the exclusive contracting party in respect of all commissioned work.*

***LIMITED LIABILITY NOTICE:***

*All our services as well as all relations with third parties are governed by the General Terms & Conditions of BergmanZwanikkenSnowEssed, which include a limitation of liability. These terms have been filed with the Court of First Instance, seat Sint Maarten and will be sent to you – free of charge – upon request.*

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

SIXTEEN PLUS CORPORATION,

Plaintiff,

v.

MANAL MOHAMMED YOUSUF,

Defendant.

CIVIL CASE NO.: SX-16-CV-65

**ACTION FOR DECLARATORY  
JUDGMENT**

**NOTICE OF APPEARANCE**

**COMES NOW** Kye Walker, Esq., of The Walker Legal Group, and enters her appearance as counsel on behalf of Respondent Manal Mohammed in the above-captioned matter.

Please direct copies of all future proceedings, pleadings, correspondence, and other papers filed in this proceeding prior to and subsequent to this date to the undersigned counsel at 2201 Church Street, Suite 16AB, Christiansted, VI 00820.

Respectfully Submitted,

THE WALKER LEGAL GROUP  
*Attorney for Plaintiff*

BY: 

Kye Walker, Esq.  
VI Bar No. 995  
2201 Church Street, Suite 16AB  
Christiansted, St. Croix  
U.S. Virgin Islands 00820-4611  
Telephone: (340) 773-0601  
Fax: (888) 231-0601

[kye@thewalkerlegalgroup.com](mailto:kye@thewalkerlegalgroup.com)

DATED: June 10, 2016

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 10, 2016, a true and correct copy of the foregoing **NOTICE OF APPEARANCE** was served upon the following parties or their counsel as noted below:

**BY HAND DELIVERY:**

**Mark W. Eckard, Esq.**  
Hamm Eckard, LLP  
5030 Anchor Way, Suite 13  
Christiansted, VI 00820-4692  
Phone: (340) 773-6955  
Fax: (855) 456-8784  
[meckard@hammeckard.com](mailto:meckard@hammeckard.com)  
*Attorney for Plaintiff*

BY: \_\_\_\_\_

*Kyle Walko*

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

SIXTEEN PLUS CORPORATION,

Plaintiff,

v.

MANAL MOHAMMED YOUSUF,

Defendant.

CIVIL CASE NO.: SX-16-CV-65

**ACTION FOR DECLARATORY  
JUDGMENT**

**MOTION FOR EXTENSION OF TIME**

**COMES NOW** Defendant, Manal Mohammed Yousuf, by and through her undersigned counsel, and hereby files this Motion for Extension of Time to respond to the Complaint in the instant matter. Ms. Yusef was served with the Complaint and Summons in this case on or about April 4, 2016 in St. Maarten. Per Federal Rule of Civil Procedure 12(a)(1)(A)(1), applicable to this Court through Superior Court Rule 7, the deadline for her to respond to the complaint was April 25<sup>th</sup>.

Ms. Yousuf resides in a foreign nation and, as such, was unable to immediately retain counsel in St. Croix to defend this action. Ms. Yousuf has now retained counsel, which counsel needs time to investigate the allegations of the Complaint. As such, Ms. Yousuf requests an extension of time to June 30, 2016 to respond to the Complaint.


**WHEREFORE**, and for the foregoing reasons, Manal Mohammed Yousuf respectfully requests that her Motion for Extension of Time to Respond to the Complaint be **GRANTED**.



RESPECTFULLY SUBMITTED,

THE WALKER LEGAL GROUP  
*Attorney for Plaintiff*

DATED: June 10, 2016

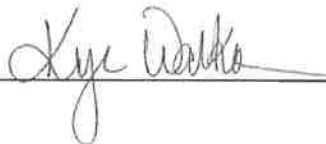
BY:   
Kye Walker, Esq.  
VI Bar No. 995  
2201 Church Street, Suite #6  
Christiansted, St. Croix  
U.S. Virgin Islands 00820-4611  
Telephone: (340) 773-0601  
Fax: (888) 231-0601  
[kye@thewalkerlegalgroup.com](mailto:kye@thewalkerlegalgroup.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 10, 2016, a true and correct copy of **MOTION FOR EXTENSION OF TIME** was served upon the following parties or their counsel as noted below:

**BY HAND DELIVERY:**

**Mark W. Eckard, Esq.**  
Hamm Eckard, LLP  
5030 Anchor Way, Suite 13  
Christiansted, VI 00820-4692  
Phone: (340) 773-6955  
Fax: (855) 456-8784  
[meckard@hammeckard.com](mailto:meckard@hammeckard.com)  
*Attorney for Plaintiff*

BY: 

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

SIXTEEN PLUS CORPORATION **Plaintiff** )

)

)

)

vs )

MANAL MOHAMMAD YOUSEF )

)

)

**Defendant**

CASE NO. SX-16-CV-0000065

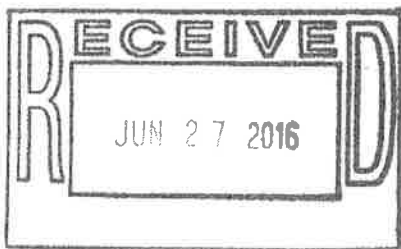
ACTION FOR: DECLARATORY  
JUDGMENT

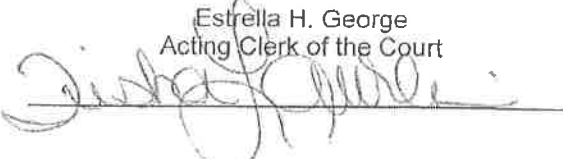
**NOTICE OF ENTRY OF  
ORDER**

TO: KYE WALKER, ESQ.  
✓ MARK ECKARD, ESQ.

Please take notice that on June 24, 2016 a(n) ORDER dated June 23,  
2016 was entered by the Clerk in the above-entitled matter.

Dated: June 24, 2016



Estrella H. George  
Acting Clerk of the Court  


TISHA LAURENCIN-ORTIZ  
COURT CLERK II

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

SIXTEEN PLUS CORPORATION,

Plaintiff,

v.

MANAL MOHAMMED YOUSUF,

Defendant.

CIVIL CASE NO.: SX-16-CV-65

**ACTION FOR DECLARATORY  
JUDGMENT**

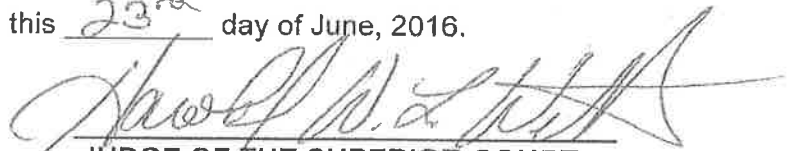
**MOTION FOR EXTENSION OF TIME**

**THIS MATTER** having come before the Court on Defendant, Manal Mohammed Yousuf Motion for Extension of Time and the Court having been advised in its premises, it is;

**ORDERED** that Defendant's Motion for Extension of Time is hereby **GRANTED**, and further;

**ORDERED** that the Defendant shall have an extension of time until June 30, 2016 to respond to the Complaint.

**DONE AND SO ORDERED** this 23<sup>rd</sup> day of June, 2016.

  
JUDGE OF THE SUPERIOR COURT

**ATTEST:**  
MS. ESTRELLA H. GEORGE  
CLERK OF THE COURT

By:   
Clerk Supervisor

DATE: 6/23/16

**Distribution List:**  
Kye Walker, Esq.  
Mark Eckard, Esq.

RECEIVED & TRUE COPY

