



Hamed for willfully violating a clear directive from the Master not to file such claims with the Court, but rather submit them to the Master and opposing counsel only. While Yusuf complied with the Master's directive to submit his Accounting Claims and Proposed Distribution Plan ("Yusuf's Claims") only to the Master and counsel for Hamed<sup>1</sup>, counsel for Hamed not only chose to disobey the Master's directive by filing Hamed's Claims with the Court, he published these documents on co-counsel for Hamed's website at <http://www.federal-litigation.com/hamed-Claims.html>. Given counsel for Hamed's willful defiance of the Master's unambiguous directive, Yusuf respectfully submits that Hamed's Claims should be stricken and removed from the record in this case, counsel for Hamed should be ordered to remove Hamed's Claims from his website, and counsel should be appropriately sanctioned for their outrageous defiance. In support of this motion, Yusuf respectfully represents the following:

1. On August 31, 2016 at 6:49 p.m., the Honorable Edgar D. Ross (the "Master") sent an email to counsel for Hamed and Yusuf which stated the following:

Now that the Partnership Accounting is more than 99% completed and have been distributed to the partners, I am giving the partners thirty (30) days, *i.e.*, until September 30, 2016, to file any objection or disputes any item in the accounting. Failure to object or dispute the accounting within said time is a waiver of the right to object or dispute any item contained therein.

Additionally, any partner who has a monetary or property claim against the partnership or a partner must file such claim in writing on or before September 30, 2016. Each claim shall include the date of the activity giving rise to the claim, its factual and/or legal basis, and the relief requested. Failure to file claim may result in a waiver or the right to make a claim.

The fact that a claim is the subject of a pending civil action does not excuse a partner from raising it in the liquidation process and the failure

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<sup>1</sup> On October 3, 2016, a Notice of Service of Yusuf's Claims was filed with this Court.

to raise it in the liquidation process may affect the outcome of a civil action.

A copy of the Master's August 31, 2016 email is attached as **Exhibit 1**.

2. On September 22, 2016 at 12:11 p.m., the undersigned counsel for Yusuf responded to the Master's email as follows:

Dear Judge Ross,

It is my understanding that your directive below for each partner to file his claim against the partnership or the other partner by September 30 essentially implements the following provisions set forth at § 9, Step 6, of the Plan: "Within 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 Claim Reserve Account. Thereafter, the Master shall make a report and recommendation for distribution to the Court for its final determination." In anticipation of complying with your directive, it would be appreciated if you would confirm that the competing accounting claims/distribution plans need only be submitted to you and served on counsel, rather than filed with the Court. Not only is this consistent with the quoted language, but it is consistent with past practice. For example, while the Liquidating Partner has been filing his bi-monthly reports with the Court, the detailed financial information referenced in those reports (e.g. balance sheets and income statements) is submitted by John Gaffney only to you and counsel. The document(s) we contemplate submitting to you on September 30 likewise include detailed financial information that need not be a matter of public record, unless you subsequently determine otherwise. Accordingly, I request your authorization to submit Yusuf's accounting claim/distribution plan only to you with service on counsel. I would plan to file with the Court an appropriate notice of the submission.

A copy of the undersigned's email of September 22, 2016 to Judge Ross is attached as **Exhibit 2**.

3. On September 22, 2016 at 1:31 p.m., Attorney Joel H. Holt responded to the undersigned's email registering his disagreement with several of the purported premises of the email, but concluding in relevant part as follows:

Finally, because it is absolutely critical that these documents be part of the official record of this case for any appeal, the claims must be filed with Court, as instructed by you.

A copy of Attorney Holt's email of September 22, 2016 is attached as **Exhibit 3**.

4. On September 22, 2016 at 1:40 p.m., the Master sent an email to the undersigned and Attorney Holt responding to the undersigned's email earlier that day. The Master succinctly responded as follows:

You are correct and I do confirm that the objections to and disagreements with the accounting and that the claims against or on behalf of the partnership should be filed with the Master and served on opposing counsel only. If unresolved they may then be forwarded and/or filed with the Court.

A copy of the Master's email is attached as **Exhibit 4**.

5. Five days later, on September 27, 2016 at 3:54 p.m., Attorney Holt responded to the email from the Master stating in relevant part as follows:

In any event, I only saw your email today when I was pulling my email exchange with you and Greg to make it an exhibit to the attached motion.<sup>[2]</sup> For the reasons set forth in the attached motion<sup>[3]</sup> (as well as in my prior email), Carl and I feel that this must be filed with the Court to create a proper record on appeal as I said in my email, as well as because all factual issues and certain legal claims nee [sic] to be resolved by a jury.

A copy of Attorney Holt's September 27, 2016 email is attached as **Exhibit 5**.

6. On September 27, 2016 at 5:40 p.m., the undersigned responded to Attorney Holt's last email stating, among other things, the following:

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<sup>2</sup> No motion was attached to Attorney Holt's email. Rather, a document entitled "Hamed's Response Re Jury Issues" (the "Response") was attached. Yusuf will be filing a separate Motion to Strike the Response.

<sup>3</sup> See n. 2.

Obviously, Joel does not deny receipt of your email confirming that the competing “claims against or on behalf of the partnership should be filed with the Master and served on opposing counsel only.”

A copy of the undersigned’s September 27, 2016 email is attached as **Exhibit 6**.

7. On September 30, 2016 at 4:43 p.m., the undersigned emailed Yusuf’s Claims with exhibits to the Master and counsel for Hamed. *See* email attached as **Exhibit 7**. On October 3, 2016, a Notice of Service of Yusuf’s Claims was filed with the Court.

8. On September 30, 2016 at 4:54 p.m., counsel for Hamed emailed the Master and the undersigned a copy of Hamed’s Claims stating, among other things, that “the originals were filed with the Court, as previously noted they would be.”<sup>4</sup> Additionally, Attorney Holt stated that certain exhibits “had been provided for your easy download at: <http://www.federal-litigation.com/hamed-Claims.html>.” A copy of Attorney Holt’s email of September 30, 2016 is attached as **Exhibit 8**. If one goes to the foregoing website belonging to co-counsel for Hamed, one can readily see that Hamed’s Claims have been posted for downloading on that website.

### ARGUMENT

As the foregoing recitation of facts clearly demonstrates, counsel for Hamed contumaciously chose to disobey the Master’s clear directive “that the claims against or on behalf of the partnership should be filed with the Master and served on opposing counsel only.” In order to address counsel for Hamed’s purported concern that the competing claims should be filed with the Court “to create a proper record on appeal,” the Master provided succinctly: “If unresolved[,] they may then be forwarded and/or filed with the Court.” At the same time counsel

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<sup>4</sup> The undersigned is unaware of any indication or notation from counsel for Hamed that he intended to ignore the Master’s September 22, 2016 directive.

for Hamed filed Hamed's Claims with the Court in defiance of the Master's directive, these documents were published on co-counsel for Hamed's website knowing that Yusuf complied with the Master's directive. By openly defying the Master's directive, counsel for Hamed obviously expected that Hamed's Claims would be the only story told that was available for public consumption including by members of the potential jury pool.<sup>5</sup>

Hamed's Claims must be stricken and removed from the record not only because the documents were filed in defiance of the Master's unambiguous directive, but because this defiance was a calculated to take advantage of Yusuf, who complied with the Master's directive. Hamed should not be rewarded for disobeying the Master and undermining his authority. On the contrary, in addition to striking Hamed's Claims and ordering the removal of these documents from co-counsel for Hamed's website, the Court should sanction counsel for their contemptuous conduct.

To make matters even worse, counsel for Hamed violated the rules of this Court and the Virgin Islands Supreme Court that clearly obligate parties and their attorneys to refrain from including personal data identifiers from all documents and exhibits filed with the Court, including the following:

- social security numbers
- dates of birth
- financial account numbers.

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<sup>5</sup> As indicated in footnote 2 above, Yusuf is filing a Motion to Strike the Response, which was unilaterally filed without leave of Court almost two years after Yusuf's Motion to Strike Jury Demand was filed and served. Yusuf vigorously disputes any entitlement to a jury trial in this case.

See Super. Ct. R. 420.4(i) and V.I.S.Ct.R. 15(c). It is also clear that filed documents that do not conform to these requirements may be rejected or stricken by the Clerk before or after docketing. *Id.* Indeed, the Virgin Islands Supreme Court routinely rejects documents that fail to comply with these redaction requirements. See, e.g., Order dated October 7, 2016 attached as **Exhibit 9** rejecting a volume of the Joint Appendix pursuant to V.I.S.Ct.R. 15(c) “due to Appellant’s failure to redact financial account numbers.” Although the undersigned has not attempted to comb through all of the voluminous exhibits to Hamed’s Claims for redaction violations, a brief review of the first exhibit, Exhibit A at pages 3-4, shows that it is chock full of financial account numbers that should have been redacted. See also Exhibit A-1, at page 1. The expectation that the competing claims would likely contain personal data identifiers and other sensitive financial information that need not be spread on the public record was the very purpose of the undersigned’s email request to the Master on September 22, 2016 to clarify that the parties’ submissions should only be made to the Master and counsel. Because Hamed’s Claims contain extensive information that should have been redacted, this provides additional support for striking Hamed’s Claims from the record.

Litigants have been repeatedly warned that they must “strictly adhere to the rules that govern the practice and procedure before this Court. This Court will not tolerate . . . flagrant disregard of the rules, and a continued failure to abide by the rules may be a basis for sanctions.” *The Nature Conservancy, Inc. v. Louisenhoj Holdings, LLC*, 2014 V.I. LEXIS 42, \* 12 (Super. Ct. July 8, 2014) quoting from *Faulknor v. V.I.*, 2014 V.I. LEXIS 6, \* 11 (Super. Ct. Feb. 19, 2014). Counsel for Hamed has flagrantly disregarded the Master’s unambiguous directive as well as the rules of this Court requiring the redaction of personal data identifiers. Yusuf

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Page 8

respectfully submits that this Court should enter an Order striking Hamed's Claims from the record of this Court, requiring counsel for Hamed to remove such documents from his website, and imposing appropriate sanctions for counsel's flagrant disregard of the Master's directives and the rules of this Court.

Respectfully submitted,

**DUDLEY, TOPPER and FEUERZEIG, LLP**

DATED: October 14, 2016

By: 

Gregory H. Hodges (V.I. Bar No. 174)  
1000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00804  
Telephone: (340) 715-4405  
Telefax: (340) 715-4400  
E-mail: [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)

Attorneys for Fathi Yusuf and United Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of October, 2016, I caused the foregoing **Motion To Strike Hamed's Notice Of Partnership Claims And Objections To Yusuf's Post-January 1, 2012 Accounting** to be served upon the following via e-mail:

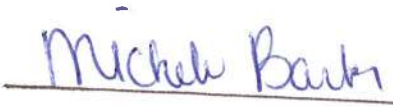
Joel H. Holt, Esq.  
**LAW OFFICES OF JOEL H. HOLT**  
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Email: [holtvi@aol.com](mailto:holtvi@aol.com)

Carl Hartmann, III, Esq.  
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1132 King Street  
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Email: [jeffreymoorhead@yahoo.com](mailto:jeffreymoorhead@yahoo.com)

The Honorable Edgar A. Ross  
Email: [edgarrossjudge@hotmail.com](mailto:edgarrossjudge@hotmail.com)



**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422



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

**MOHAMMAD HAMED**, by his  
authorized agent **WALEED HAMED**,

Plaintiff/Counterclaim Defendant,

vs.

**FATHI YUSUF and UNITED CORPORATION**,

Defendants/Counterclaimants,

vs.

**WALEED HAMED, WAHEED HAMED,  
MUFEED HAMED, HISHAM HAMED, and  
PLESSEN ENTERPRISES, INC.**,

Additional Counterclaim Defendants.

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

**Consolidated With**

**MOHAMMAD HAMED**,

Plaintiff,

v.

**UNITED CORPORATION**,

Defendant.

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES  
AND DECLARATORY RELIEF

**ORDER**

Upon the motion of defendant/counterclaimant Fathi Yusuf to strike “Hamed’s Notice of Partnership Claims and Objections to Yusuf’s Accounting” and related exhibits (collectively “Hamed’s Claims”) for violation of a directive from the Master that such claims should only be submitted to him and served on counsel, for violation of Super. Ct. R. 420.4(i) requiring the redaction of certain personal data identifiers, and for good cause shown, it is accordingly,

**ORDERED** that Hamed’s Claims be, and the same hereby are, stricken from the record in this matter; and it is further

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Page 2

**ORDERED** that counsel for Hamed is directed to completely remove Hamed's Claims from his website; and it is further

**ORDERED** that counsel for Hamed shall be sanctioned for their flagrant violation of the Master's directive and the rules of this Court in an amount or fashion to be determined by the Court; and it is further

**ORDERED** that counsel for Yusuf shall file an application with this Court within fourteen days after entry of this Order reflecting the time and any expenses incurred in connection with the motion granted by this Order.

**DATED:** October \_\_\_\_, 2016

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**DOUGLAS A. BRADY**  
Judge of the Superior Court

**A T T E S T:**

**Estrella H. George**  
Acting Clerk of the Court

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

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

**MOHAMMAD HAMED**, by his  
authorized agent **WALEED HAMED**,  
  
Plaintiff/Counterclaim Defendant,  
  
vs.

**FATHI YUSUF and UNITED CORPORATION**,  
  
Defendants/Counterclaimants,  
  
vs.

**WALEED HAMED, WAHEED HAMED,  
MUFEEED HAMED, HISHAM HAMED, and  
PLESSEN ENTERPRISES, INC.**,  
  
Additional Counterclaim Defendants.

---

**MOHAMMAD HAMED**,  
  
Plaintiff,  
  
v.  
  
**UNITED CORPORATION**,  
  
Defendant.

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CIVIL NO. SX-12-CV-370  
  
ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

**Consolidated With**

CIVIL NO. SX-14-CV-287  
  
ACTION FOR DAMAGES  
AND DECLARATORY RELIEF

**EXHIBIT 1**

## Gregory H. Hodges

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**From:** Edgar Ross <edgarrossjudge@hotmail.com>  
**Sent:** Wednesday, August 31, 2016 6:49 PM  
**To:** Gregory H. Hodges; JOEL HOLT  
**Cc:** Douglas A. Brady; Fathi Yusuf; John Gaffney  
**Subject:** Objections and Disagreements to the Partnership Accounting

Now that the Partnership Accounting is more than 99% completed and have been distributed to the partners, I am giving the partners thirty (30) days, i.e., until September 30, 2016, to file any objection or disputes any item in the accounting. Failure to object or dispute the accounting within said time is a waiver of the right to object or dispute any item contained therein.

Additionally, any partner who has a monetary or property claim against the partnership or a partner must file such claim in writing on or before September 30, 2016. Each claim shall include the date of the activity giving rise to the claim, its factual and/or legal basis, and the relief requested. Failure to file a claim may result in a waiver of the right to make a claim.

The fact that a claim is the subject of a pending civil action does not excuse a partner from raising it in the liquidation process and the failure to raise it in the liquidating process may affect the outcome of the civil action.

EDR, Master.

Sent via the Samsung GALAXY S6E4, an AT&T 4G LTE smartphone

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
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**WALEED HAMED, WAHEED HAMED,  
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Additional Counterclaim Defendants.

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**MOHAMMAD HAMED**,  
  
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CIVIL NO. SX-12-CV-370  
  
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**Consolidated With**

CIVIL NO. SX-14-CV-287  
  
ACTION FOR DAMAGES  
AND DECLARATORY RELIEF

**EXHIBIT 2**

## Gregory H. Hodges

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**From:** Gregory H. Hodges  
**Sent:** Thursday, September 22, 2016 12:11 PM  
**To:** 'Edgar Ross'  
**Cc:** JOEL HOLT  
**Subject:** RE: Objections and Disagreements to the Partnership Accounting

Dear Judge Ross,

It is my understanding that your directive below for each partner to file his claim against the partnership or the other partner by September 30 essentially implements the following provisions set forth at § 9, Step 6, of the Plan: "Within 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 Claim Reserve Account. Thereafter, the Master shall make a report and recommendation for distribution to the Court for its final determination." In anticipation of complying with your directive, it would be appreciated if you would confirm that the competing accounting claims/distribution plans need only be submitted to you and served on counsel, rather than filed with the Court. Not only is this consistent with the quoted language, but it is consistent with past practice. For example, while the Liquidating Partner has been filing his bi-monthly reports with the Court, the detailed financial information referenced in those reports (e.g. balance sheets and income statements) is submitted by John Gaffney only to you and counsel. The document(s) we contemplate submitting to you on September 30 likewise include detailed financial information that need not be a matter of public record, unless you subsequently determine otherwise. Accordingly, I request your authorization to submit Yusuf's accounting claim/distribution plan only to you with service on counsel. I would plan to file with the Court an appropriate notice of the submission.

Regards,

Gregory H. Hodges  
Dudley, Topper and Feuerzeig, LLP  
Law House, 1000 Frederiksberg Gade  
St. Thomas, VI 00802  
Direct: (340) 715-4405  
Fax: (340) 715-4400  
Web: [www.DTFLaw.com](http://www.DTFLaw.com)

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**From:** Edgar Ross [<mailto:edgarrossjudge@hotmail.com>]  
**Sent:** Wednesday, August 31, 2016 6:49 PM  
**To:** Gregory H. Hodges; JOEL HOLT  
**Cc:** Douglas A. Brady; Fathi Yusuf; John Gaffney  
**Subject:** Objections and Disagreements to the Partnership Accounting

Now that the Partnership Accounting is more than 99% completed and have been distributed to the partners, I am giving the partners thirty (30) days, i.e., until September 30, 2016, to file any objection or disputes any item in the accounting. Failure to object or dispute the accounting within said time is a waiver of the right to object or dispute any item contained therein.

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EDR, Master.

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**Consolidated With**

CIVIL NO. SX-14-CV-287  
  
ACTION FOR DAMAGES  
AND DECLARATORY RELIEF

**EXHIBIT 3**



## Gregory H. Hodges

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**From:** Joel Holt <holtvi@aol.com>  
**Sent:** Thursday, September 22, 2016 1:31 PM  
**To:** Gregory H. Hodges; edgarrossjudge@hotmail.com  
**Cc:** carl@carlhartmann.com  
**Subject:** Re: Objections and Disagreements to the Partnership Accounting

Dear Judge Ross:

We disagree with several of the premises of Attorney Hodges email to you. First, there has been no final partnership accounting, much less one that complies with RUPA. Second, there can be no determinations regarding the proposed distributions until all outstanding issues are resolved, nor did you request one. Thus, the provisions of the Plan referenced by Attorney Hodges are not in play. Moreover, we believe and have repeatedly pled that we have a right to a jury trial on the remaining fact issues, including statutes of limitations, claims of malfeasance in the disassociation and contested factual issues about claims. This both obviates any non-jury summary determination – and a determination by the a master without the agreement of both parties. Finally, because it is absolutely critical that these documents be part of the official record of this case for any appeal, the claims must be filed with Court, as instructed by you.

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

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

From: Gregory H. Hodges <ghodges@dtflaw.com>  
To: 'Edgar Ross' <edgarrossjudge@hotmail.com>  
Cc: JOEL HOLT <holtvi@aol.com>  
Sent: Thu, Sep 22, 2016 12:11 pm  
Subject: RE: Objections and Disagreements to the Partnership Accounting

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**From:** Edgar Ross [<mailto:edgarrossjudge@hotmail.com>]  
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**Cc:** Douglas A. Brady; Fathi Yusuf; John Gaffney  
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INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

**Consolidated With**

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ACTION FOR DAMAGES  
AND DECLARATORY RELIEF

**EXHIBIT 4**

## Gregory H. Hodges

---

**From:** Edgar Ross <edgarrossjudge@hotmail.com>  
**Sent:** Thursday, September 22, 2016 1:40 PM  
**To:** Gregory H. Hodges  
**Cc:** JOEL HOLT  
**Subject:** RE: Objections and Disagreements to the Partnership Accounting

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EDR, Master.

Sent via the Samsung GALAXY S364, an AT&T 4G LTE smartphone

----- Original message -----

**From:** "Gregory H. Hodges" <[ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)>  
**Date:** 09/22/2016 12:11 PM (GMT-04:00)  
**To:** 'Edgar Ross' <[edgarrossjudge@hotmail.com](mailto:edgarrossjudge@hotmail.com)>  
**Cc:** JOEL HOLT <[holtvi@aol.com](mailto:holtvi@aol.com)>  
**Subject:** RE: Objections and Disagreements to the Partnership Accounting

Dear Judge Ross,

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Regards,

Gregory H. Hodges

Dudley, Topper and Feuerzeig, LLP

Law House, 1000 Frederiksberg Gade

St. Thomas, VI 00802

Direct: (340) 715-4405

Fax: (340) 715-4400

Web: [www.DTFLaw.com](http://www.DTFLaw.com)

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**From:** Edgar Ross [<mailto:edgarrossjudge@hotmail.com>]  
**Sent:** Wednesday, August 31, 2016 6:49 PM  
**To:** Gregory H. Hodges; JOEL HOLT  
**Cc:** Douglas A. Brady; Fathi Yusuf; John Gaffney  
**Subject:** Objections and Disagreements to the Partnership Accounting

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The fact that a claim is the subject of a pending civil action does not excuse a partner from raising it in the liquidation process and the failure to raise it in the liquidating process may affect the outcome of the civil action.

EDR, Master.

Sent via the Samsung GALAXY S34, an AT&T 4G LTE smartphone

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

**MOHAMMAD HAMED**, by his  
authorized agent **WALEED HAMED**,  
  
Plaintiff/Counterclaim Defendant,

vs.

**FATHI YUSUF and UNITED CORPORATION**,  
  
Defendants/Counterclaimants,

vs.

**WALEED HAMED, WAHEED HAMED,  
MUFEEED HAMED, HISHAM HAMED, and  
PLESSEN ENTERPRISES, INC.**,  
  
Additional Counterclaim Defendants.

---

**MOHAMMAD HAMED**,  
  
Plaintiff,  
  
v.  
  
**UNITED CORPORATION**,  
  
Defendant.

---

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

**Consolidated With**

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES  
AND DECLARATORY RELIEF

**EXHIBIT 5**

## Gregory H. Hodges

---

**From:** Joel Holt <holtvi@aol.com>  
**Sent:** Tuesday, September 27, 2016 3:54 PM  
**To:** edgarrossjudge@hotmail.com; Gregory H. Hodges  
**Cc:** carl@carlhartmann.com; kim@japinga.com  
**Subject:** Re: Objections and Disagreements to the Partnership Accounting  
**Attachments:** 20160927152728.pdf; 20160927152451.pdf

Judge Ross--I did not see the email below until today. I was traveling last week and apparently missed it, even though I did see most emails. Indeed, I had sent you an email before you responded to this one sent by Greg, to which you did not reply. That email is attached. I am not sure why Carl Hartmann, my co-counsel, was not copied by you or Greg, as that helps avoid such miscommunications.

In any event, I only saw your email today when I was pulling my email exchange with you and Greg to make it an exhibit to the attached motion. For the reasons set forth in the attached motion (as well as in my prior email), Carl and I feel that this must be filed with the Court to create a proper record on appeal as I said in my email, as well as because all factual issues and certain legal claims need to be resolved by a jury.

Can you please call me to discuss this once you have reviewed all of this, as our filing is due Friday.

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

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

From: Edgar Ross <edgarrossjudge@hotmail.com>  
To: Gregory H. Hodges <ghodges@dtflaw.com>  
Cc: JOEL HOLT <holtvi@aol.com>  
Sent: Thu, Sep 22, 2016 1:40 pm  
Subject: RE: Objections and Disagreements to the Partnership Accounting

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EDR, Master.

Sent via the Samsung GALAXY S64, an AT&T 4G LTE smartphonet

----- Original message -----

From: "Gregory H. Hodges" <ghodges@dtflaw.com>  
Date: 09/22/2016 12:11 PM (GMT-04:00)  
To: 'Edgar Ross' <edgarrossjudge@hotmail.com>  
Cc: JOEL HOLT <holtvi@aol.com>  
Subject: RE: Objections and Disagreements to the Partnership Accounting

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Regards,

Gregory H. Hodges  
Dudley, Topper and Feuerzeig, LLP  
Law House, 1000 Frederiksberg Gade  
St. Thomas, VI 00802  
Direct: (340) 715-4405  
Fax: (340) 715-4400  
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**From:** Edgar Ross [<mailto:edgarrossjudge@hotmail.com>]  
**Sent:** Wednesday, August 31, 2016 6:49 PM  
**To:** Gregory H. Hodges; JOEL HOLT  
**Cc:** Douglas A. Brady; Fathi Yusuf; John Gaffney  
**Subject:** Objections and Disagreements to the Partnership Accounting

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EDR, Master.

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

**MOHAMMAD HAMED**, by his  
authorized agent **WALEED HAMED**,  
  
Plaintiff/Counterclaim Defendant,  
  
vs.

**FATHI YUSUF and UNITED CORPORATION**,  
  
Defendants/Counterclaimants,  
  
vs.

**WALEED HAMED, WAHEED HAMED,  
MUFEEED HAMED, HISHAM HAMED, and  
PLESSEN ENTERPRISES, INC.**,  
  
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**MOHAMMAD HAMED**,  
  
Plaintiff,  
  
v.  
  
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Defendant.

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CIVIL NO. SX-12-CV-370  
  
ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

**Consolidated With**

CIVIL NO. SX-14-CV-287  
  
ACTION FOR DAMAGES  
AND DECLARATORY RELIEF

**EXHIBIT 6**

## Gregory H. Hodges

---

**From:** Gregory H. Hodges  
**Sent:** Tuesday, September 27, 2016 5:40 PM  
**To:** edgarrossjudge@hotmail.com  
**Cc:** carl@carlhartmann.com; kim@japinga.com; 'Joel Holt'  
**Subject:** RE: Objections and Disagreements to the Partnership Accounting  
**Attachments:** RE: Hamed v. Yusuf, et al.

Dear Judge Ross,

It is clear that on 9/22/16 at 12:11 p.m., I responded to your email of 8/31/16 to Joel and me and copied to Judge Brady, Mr. Yusuf, and John Gaffney. In my response, I intentionally dropped the three persons copied. Joel replied to my email on 9/22/16 at 1:31 p.m. You then responded to my email at 1:40 p.m. the same day. Obviously, Joel does not deny receipt of your email confirming that the competing "claims against or on behalf of the partnership should be filed with the Master and served on opposing counsel only."

Although Joel does not state as much, apparently he thinks that his unauthorized filing of "Hamed's Response Re Jury Issues" ("Response") somehow affects the filings you have ordered by this Friday, given the concluding sentence in his email below. I strongly disagree and oppose any *ex parte* discussion of his Response, to which I am entitled to respond in due course, well after Friday. First, Hamed has waived any entitlement to a jury trial for his failure to respond to the motion to strike jury demand served almost 2 years ago. See attached email. Hamed neither sought nor obtained any extension of time to oppose that motion or leave of Court to file the incredibly tardy Response. More importantly, Hamed waived any entitlement to a jury trial by his participation in the development and acceptance of the Court's Final Wind Up Plan, approved by Order entered 1/9/15, which contemplates exactly what you have directed in § 9, Step 6 of the Plan.

The ill conceived Response, filed just 3 days before a major filing, should not be allowed to distract Yusuf from the task of preparing his accounting claims for submission by 9/30/16, as directed in your emails below. However, if you plan to discuss the Response with Joel, I request to be included in that conversation.

Gregory H. Hodges  
Dudley, Topper and Feuerzeig, LLP  
Law House, 1000 Frederiksberg Gade  
St. Thomas, VI 00802  
Direct: (340) 715-4405  
Fax: (340) 715-4400  
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**From:** Joel Holt [mailto:[holtvi@aol.com](mailto:holtvi@aol.com)]  
**Sent:** Tuesday, September 27, 2016 3:54 PM  
**To:** edgarrossjudge@hotmail.com; Gregory H. Hodges

**Cc:** carl@carlhartmann.com; kim@japinga.com

**Subject:** Re: Objections and Disagreements to the Partnership Accounting

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Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709

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

From: Edgar Ross <edgarrossjudge@hotmail.com>

To: Gregory H. Hodges <ghodges@dtflaw.com>

Cc: JOEL HOLT <holtvi@aol.com>

Sent: Thu, Sep 22, 2016 1:40 pm

Subject: RE: Objections and Disagreements to the Partnership Accounting

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Sent via the Samsung GALAXY S6@4, an AT&T 4G LTE smartphonet

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From: "Gregory H. Hodges" <ghodges@dtflaw.com>

Date: 09/22/2016 12:11 PM (GMT-04:00)

To: 'Edgar Ross' <edgarrossjudge@hotmail.com>

Cc: JOEL HOLT <holtvi@aol.com>

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**Sent:** Wednesday, August 31, 2016 6:49 PM  
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**Cc:** Douglas A. Brady; Fathi Yusuf; John Gaffney  
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EDR, Master.

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**MOHAMMAD HAMED**, by his )  
authorized agent **WALEED HAMED**, )  
 )  
Plaintiff/Counterclaim Defendant, )

vs. )

**FATHI YUSUF and UNITED CORPORATION**, )  
 )  
Defendants/Counterclaimants, )

vs. )

**WALEED HAMED, WAHEED HAMED,** )  
**MUFEED HAMED, HISHAM HAMED, and** )  
**PLESSEN ENTERPRISES, INC.,** )  
 )  
Additional Counterclaim Defendants. )

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**MOHAMMAD HAMED**, )  
 )  
Plaintiff, )

v. )

**UNITED CORPORATION**, )  
 )  
Defendant. )

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CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

**Consolidated With**

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES  
AND DECLARATORY RELIEF

**EXHIBIT 7**

## Gregory H. Hodges

---

**From:** Gregory H. Hodges  
**Sent:** Friday, September 30, 2016 4:43 PM  
**To:** 'Edgar Ross'  
**Cc:** JOEL HOLT; carl@carlhartmann.com; Charlotte Perrell  
**Subject:** RE: Objections and Disagreements to the Partnership Accounting  
**Attachments:** YUSUF'S ACCOUNTING CLAIMS AND PROPOSED DISTRIBUTION PLAN.pdf; 16U5239-EXHIBIT A - Summary of Yusuf Plan Distributions.PDF; 16U5241-EXHIBIT B - Litigation Reserves Calculations.PDF; 16U5242-EXHIBIT C - Calculation of Interest on Bay 1 Rent.PDF; 16U5244-EXHIBIT D - Calculation of Interest on Bay 1 Rent.PDF; 16U5245-EXHIBIT E - Calculation of Interest on Bay 5 & 8 Rent.PDF

Judge Ross,

Attached is Mr. Yusuf's Accounting Claims And Proposed Distribution Plan (the "Claim") with all exhibits except Exhibit J-1, which is a flash drive containing voluminous tables, schedules, and supporting information for the BDO Report (Exhibit J). On Monday, we plan to deliver a binder to you and Joel containing a hard copy of the attached Claim and all exhibits, but including Exhibit J-1 (the flash drive, which contains too much data to print).

Given the number and size of the exhibits (A-Q), I will be sending the foregoing documents in multiple emails.  
Regards,

Gregory H. Hodges  
Dudley, Topper and Feuerzeig, LLP  
Law House, 1000 Frederiksberg Gade  
St. Thomas, VI 00802  
Direct: (340) 715-4405  
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**Sent:** Thursday, September 22, 2016 1:40 PM  
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----- Original message -----

From: "Gregory H. Hodges" <[ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)>  
Date: 09/22/2016 12:11 PM (GMT-04:00)  
To: 'Edgar Ross' <[edgarrossjudge@hotmail.com](mailto:edgarrossjudge@hotmail.com)>  
Cc: JOEL HOLT <[holtvi@aol.com](mailto:holtvi@aol.com)>  
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**Sent:** Wednesday, August 31, 2016 6:49 PM  
**To:** Gregory H. Hodges; JOEL HOLT  
**Cc:** Douglas A. Brady; Fathi Yusuf; John Gaffney  
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EDR, Master.

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DIVISION OF ST. CROIX**

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Plaintiff/Counterclaim Defendant,

vs.

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Plaintiff,

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ACTION FOR DAMAGES  
AND DECLARATORY RELIEF

**EXHIBIT 8**

## Gregory H. Hodges

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**From:** Joel Holt <holtvi@aol.com>  
**Sent:** Friday, September 30, 2016 4:54 PM  
**To:** edgarrossjudge@hotmail.com; Gregory H. Hodges; mark@markeckard.com; jeffreylaw@yahoo.com  
**Cc:** carl@carlhartmann.com; kim@japinga.com  
**Subject:** EMAIL #1 - Hamed v. Yusuf - Hamed's Notice of Partnership Claims and Objections  
**Attachments:** 3-Hamed v. Yusuf.2016 09 30 Exhibit B to Hamed's Notice of Partnership Claims and Objections.pdf; 2-Hamed v. Yusuf.2016 09 30 Exhibit A to Hamed's Notice of Partnership Claims and Objections.pdf; 1-Hamed v. Yusuf.2016 09 30 Hamed's Notice of Partnership Claims and Objections.pdf

### EMAIL 1 OF 2

In accordance with Judge Ross' directive to file objections by September 30th, Hamed submits his filing in a two parts due to the size of certain exhibits. The originals were filed with the Court, as previously noted they would be.

Additionally, because of the size of the files for the (1) Exhibits to Exhibit A, (2) Attachments VI to end of the CPA's Expert Report and (3) the Exhibits to the CPA's Expert Report, they cannot be sent by email – but have been provided for your easy download at: <http://www.federal-litigation.com/hamed-Claims.html>

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

**MOHAMMAD HAMED**, by his  
authorized agent **WALEED HAMED**,  
  
Plaintiff/Counterclaim Defendant,

vs.

**FATHI YUSUF and UNITED CORPORATION**,  
  
Defendants/Counterclaimants,

vs.

**WALEED HAMED, WAHEED HAMED,  
MUFEED HAMED, HISHAM HAMED, and  
PLESSEN ENTERPRISES, INC.**,  
  
Additional Counterclaim Defendants.

---

**MOHAMMAD HAMED**,  
  
Plaintiff,  
  
v.  
  
**UNITED CORPORATION**,  
  
Defendant.

---

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

**Consolidated With**

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES  
AND DECLARATORY RELIEF

**EXHIBIT 9**

October 7, 2016

VERONICA HANDY, ESQUIRE  
CLERK OF THE COURT

**IN THE SUPREME COURT OF THE VIRGIN ISLANDS**

**VIRGIN ISLANDS TAXI ASSOCIATION,**  
Appellant/Plaintiff,

v.

**VIRGIN ISLANDS PORT AUTHORITY,  
FREDDY LETTSOME, EAST END TAXI  
SERVICES, INC., THE RITZ-CARLTON  
VIRGIN ISLANDS, INC., AND CANEEL BAY  
RESORT,**  
Appellees/Defendants.

**S. Ct. Civ. No. 2016-0035**  
Re: Super. Ct. CV. No. 117/1997(STT)

2016 OCT -7 PM 12:05  
SUPREME COURT

On Appeal from the Superior Court of the Virgin Islands

**ORDER**

**THIS MATTER** is before the Court sua sponte upon review of Appellant's Brief and the Joint Appendix. The physical copies of the Appellant's Brief and Volume I of the Joint Appendix will be rejected pursuant to V.I.S.CT.R. 15(a) because they were filed as one document. The electronic and physical copies of Volume II of the Joint Appendix will be rejected pursuant to V.I.S.CT.R. 15(c) due to Appellant's failure to redact financial account numbers. *See, e.g.,* JA at 378, 380, 382, 384 and 529. The physical and electronic copies of Volumes IV, V and VIII of the Joint Appendix will be rejected pursuant to V.I.S.CT.R. 15(a) because several pages are either partially illegible or upside down. *See* Vol IV at 1064-1066; Vol V at 1261, 1266, 1267, 1269-1281, 13334; Vol. VIII at 2208, 2209, 2375, 2378, 2387, 2419-2421.<sup>1</sup> Accordingly, for the foregoing reasons, it is hereby

**ORDERED** that the physical copies of Appellant's Brief and Volume I of the Joint Appendix are **REJECTED**; and it is further

<sup>1</sup> Appellant is advised that the deficiencies and pages referenced in this Order cannot be construed as an exhaustive list of all deficiencies.

October 7, 2016

VERONICA HANDY, ESQUIRE  
CLERK OF THE COURT

*V.I. Taxi Ass'n v. VI Port Auth. et al.*  
S. Ct. Civ. No. 2016-0035  
Order  
Page 2 of 3

**ORDERED** that the physical and electronic copies of Volumes II, IV, V and VIII of Joint Appendix are **REJECTED** for the reasons discussed in this Order; and it is further

**ORDERED** that, within fourteen (14) days of the date of entry of this Order, Appellant **SHALL CONVENTIONALLY FILE** separate copies of Appellant's Brief and Volume I of the Joint Appendix; and it is further


**ORDERED** that, within fourteen (14) days of the date of entry of this Order, Appellant **SHALL ELECTRONICALLY AND CONVENTIONALLY FILE** corrected Volumes II, IV, V and VIII of the Joint Appendix, which **SHALL CORRECT** the deficiencies discussed in this Order; and it is further

**ORDERED** that this Order **SHALL NOT IMPACT** Appellee's October 21, 2016 deadline to file their briefs; and it is further

**ORDERED** that Appellant **MAY RETRIEVE** six (6) copies of Appellant's Brief and Volume I of the Joint Appendix and three (3) copies of Volumes II, IV, V and VIII of the Joint Appendix; and it is further

**ORDERED** that copies of this Order shall be issued to the appropriate parties.

**SO ORDERED** this 7<sup>th</sup> day of October, 2016

  
VERONICA J. HANDY, ESQ.  
Clerk of the Court

ATTEST:

VERONICA J. HANDY, ESQ.  
Clerk of the Court

By:   
Deputy Clerk II

Dated: October 7, 2016

October 7, 2016

VERONICA HANDY, ESQUIRE  
CLERK OF THE COURT

*V.I. Taxi Ass'n v. VI Port Auth. et al.*  
S. Ct. Civ. No. 2016-0035  
Order  
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