

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

MOHAMMAD HAMED,)	
	)	CIVIL NO. SX-14-CV-278
Plaintiff,)	
v.)	
	)	ACTION FOR DAMAGES,
FATHI YUSUF,	)	AND DECLARATORY RELIEF
)	
Defendants.	)	JURY TRIAL DEMANDED
_____)	

HAMED'S MOTION AND MEMORANDUM FOR PARTIAL SUMMARY JUDGMENT

On July 7, 2014, the Plaintiff filed a complaint against Yusuf alleging that certain property in St. Thomas, known as the "Dorothea Property," that was jointly owned by them (in the name of two entities known as Y&S and R&F) had been sold and that Yusuf had received the funds, but would not turn Hamed's half of the funds over. The amount owed Hamed from the sale had been reduced to a handwritten document, written by Yusuf and given to Hamed, showing the total owed Hamed was \$802,955. See **Exhibit 1**.

On March 22, 2016, the parties entered into a stipulation to consolidate this matter with another pending action (see **Exhibit 2**), which will be referenced herein as the "370" action. While this Court indicated the two cases would probably be consolidated after Judge Brady was consulted, to date no consolidation Order has been entered.

However, since the stipulation for consolidation was filed, certain events have occurred which render this matter ripe for summary judgment.

In this regard, on September 30, 2016, Yusuf filed a pleading in the "370" case which admitted this debt is owed, conceding the liability for the \$802,955 (see excerpt attached as **Exhibit 3** at p. 11):

V. Y&S and R&F Stock Sale Proceeds Distribution

The Partnership invested in various entities used to purchase either stock or real estate, One such entity was Y&S. The Partners invested Partnership funds through two of their sons, Hisham Hamed and Nejeih Yusuf. The two sons sold their stock for \$900,000, pursuant to an agreement dated January 15, 2000 with Hakima Salem. Rather than receiving the proceeds, the two sons directed that the funds be paid to Yusuf, who was to be the nominee of the sales proceeds and, thus, custodian of the funds. The funds were not paid in a lump sum, but rather periodically and often late. **Yusuf has received all of the proceeds from the sale of the stock**, Although claims to these funds were the subject of a separate suit (Hamed v. Yusuf, Superior Court of St. Croix, SX-2014-CY-278), the parties stipulated to have these claims consolidated into this case and incorporated into the Partnership accounting and distribution. As a result of various adjustments reflected on Exhibit 1 to the complaint in SX-2014-CV-278, **\$802,966 should be allocated to Hamed** to equalize the Partnership distribution between the Partners resulting from the sale of the stock of Y&S and R&F. (Footnoted omitted. Emphasis added.)

Thus, Yusuf has conceded that the \$802,966 is: (1) in his possession and (2) is due and owing to Hamed. There being no dispute as to this, judgment should be entered in that amount plus statutory interest.

In short, all necessary facts are sent forth in Yusuf's admission above:

1. The two parties owned the stock of two corporations
2. By mutual agreement the stock was sold.
3. By mutual agreement, Yusuf collected the funds.
4. By mutual agreement, 50% of those funds totaling \$802,966, were to be distributed to Hamed.
5. Yusuf has those funds in his possession.
6. Yusuf concedes those funds are due to Hamed

In short, Yusuf has admitted to converting these funds which he now concedes are owed to the Plaintiff. As such, Judgment in the amount of \$802,966, plus statutory interest¹ at the rate of 9% pursuant to 11 V.I.C. §951(a), should be entered in favor of the Plaintiff on the basis of the admissions by Yusuf and the applicable law.

Dated: November 17, 2016

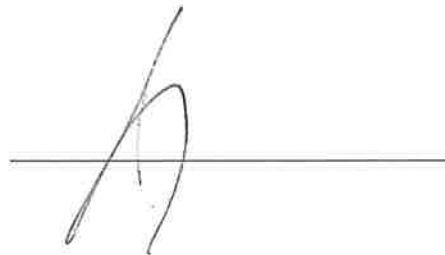
Joel H. Holt, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 2016, I served a copy of the foregoing by email, as agreed by the parties, on:

Gregory H. Hodges
Law House, 10000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00802
ghodges@dtflaw.com



¹ In his April 2, 2014 deposition in Mohammad Hamed v. Fathi Yusuf and United Corporation, SX-12-CV-370, Yusuf admits that he had received all of the funds by the date of the deposition – but states he cannot recall when he received them. See **Exhibit 4**. To simplify calculations, Hamed will accept interest from the date of the deposition.

Doro-thia
Jordan Fund 75,000 - Dinar

1,500,000.00
105,932.00

Fathi YUSUF
From Jordan " " "
Balance for Fathi YUSUF

1,605,932.00
← 617,000.00
← 105,932.00
80,034.00

802,966.00

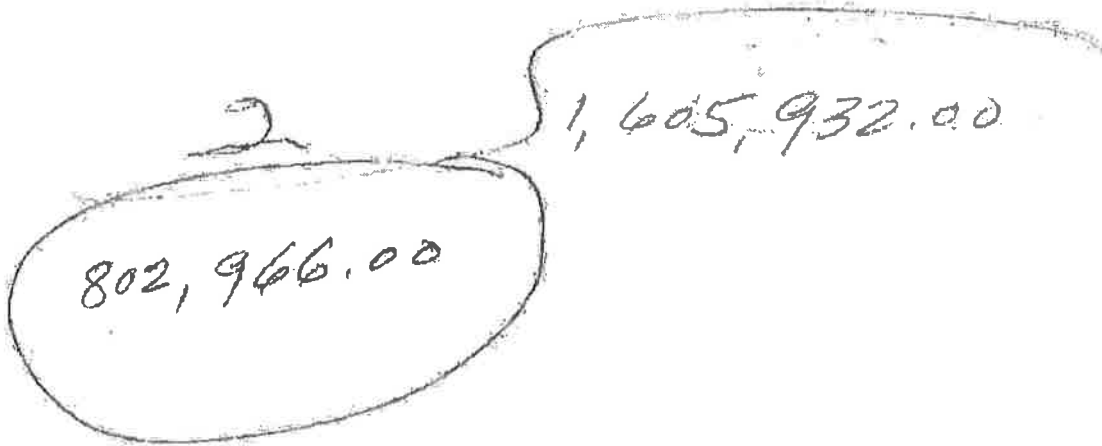


EXHIBIT
1

EXHIBIT
12

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 and Counterclaimants,

vs.

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

Counterclaim Defendants.

Case No.: SX-2012- CV-370

**ACTION FOR DAMAGES,
INJUNCTIVE RELIEF AND
DECLARATORY RELIEF**

JURY TRIAL DEMANDED

OFFICE OF THE CLERK
OF THE SUPERIOR COURT
OF THE VIRGIN ISLANDS
ST. CROIX, VI

16 MAR 21 P4:40

MOHAMMAD HAMED,

Plaintiff,

vs.

FATHI YUSUF,

Defendant.

Case No.: SX-2014- CV-278

**ACTION FOR DEBT AND
CONVERSION**

JURY TRIAL DEMANDED

STIPULATION RE: CONSOLIDATION

The parties in each of the above captioned matters, by counsel, hereby stipulate to substantively consolidate these cases, since the claims asserted in the more recently filed case, SX-2014-CV-278 (assigned to Judge Molloy), may be treated as claims for resolution in the liquidation process of the older case, SX-2012-CV-370 (assigned to Judge Brady). As SX-2012-CV-370 is the oldest case, it is respectfully submitted that SX-2014-CV-278 should be consolidated with it for final disposition and assigned to Judge Brady. A proposed Order is attached.

Blumberg No. 5208

EXHIBIT

2

It is further stipulated that this stipulation renders moot the motion for stay of discovery filed by Mohammad Hamed on February 26, 2016 In Civil No. SX-2014-CV-278.

It is further stipulated that this stipulation shall be filed In Civil No. SX-2012-CV-370 and Civil No. SX-2014-CV-278.

Dated: March 11, 2016



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Counsel for Plaintiff
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holtvi@aol.com

Carl J. Hartmann III, Esq.
Co-Counsel for Plaintiff
5000 Estate Coakley Bay, L-6
Christiansted, VI 00820

Dated: March 10, 2016



Gregory Hodges
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Nizar A. DeWood
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Eastern Suburb, Suite 101
Christiansted, VI 00820
nizar@dewood-law.com

Dated: March 18, 2016



Mark W. Eckard
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5030 Anchor Way
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meckard@hammeckard.com

Dated: March 18, 2016



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email : jeffreymlaw @yahoo.com

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

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

Plaintiff/Counterclaim Defendant,

vs.

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vs.

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

Counterclaim Defendants.

Case No.: SX-2012-CV-370

**ACTION FOR DAMAGES,
INJUNCTIVE RELIEF AND
DECLARATORY RELIEF**

JURY TRIAL DEMANDED

6 MAR 21 P 4:42
OFFICE OF THE CLERK
THE VIRGIN ISLANDS
ST. CROIX, VI

MOHAMMAD HAMED,

Plaintiff,

vs.

FATHI YUSUF,

Defendant.

Case No.: SX-2014-CV-278

**ACTION FOR DEBT AND
CONVERSION**

JURY TRIAL DEMANDED

ORDER

This matter is before the Court on the parties' Stipulation to Consolidate the above matters. Upon consideration of the matters before the Court, it is hereby

Ordered that Civil No. SX-2014-CV-278 is hereby consolidated with Civil No. SX-2012-CV-370 and assigned to the Honorable Judge Douglas A. Brady.

ORDER
Page 2

Dated:

HONORABLE ROBERT A. MOLLOY
Judge, Superior Court

ATTEST: ESTRELLA GEORGE
Acting Clerk of Court

By: _____

Deputy Clerk

Dist: Honorable Edgar Ross, Joel H. Holt, Carl Hartmann, Gregory Hodges, Nizar Dewood, Mark Eckard, Jeffrey Moorhead

**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 and Counterclaimants,

vs.

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

Counterclaim Defendants.

MOHAMMAD HAMED,

Plaintiff,

vs.

UNITED CORPORATION,

Defendant.

Case No.: SX-2012- CV-370

**ACTION FOR DAMAGES,
INJUNCTIVE RELIEF AND
DECLARATORY RELIEF**

JURY TRIAL DEMANDED

16
MAR 21
P 4:42

Case No.: SX-2014- CV-287

**ACTION FOR DAMAGES AND
DECLARATORY RELIEF**

JURY TRIAL DEMANDED

STIPULATION RE: CONSOLIDATION

The parties in each of the above captioned matters, by counsel, hereby stipulate to substantively consolidate these cases, since the claims asserted in the more recently filed case, SX-2014-CV-287(assigned to Judge Brady), may be treated as claims for resolution in the liquidation process of the older case, SX-2012-CV-370 (also assigned to Judge Brady). As SX-2012-CV-370 is the oldest case, it is respectfully submitted that SX-2014-CV-287 should be consolidated with it for final disposition. A proposed Order is attached.

It is further stipulated that this stipulation shall be filed in Civil No. SX-2012-CV-370 and Civil No. SX-2014-CV-287.


Dated: March 18, 2016



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Carl J. Hartmann III, Esq.
Co-Counsel for Plaintiff
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Christiansted, VI 00820

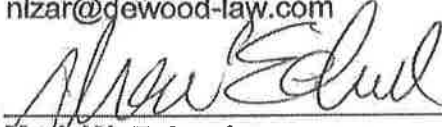
Dated: March 10, 2016



Gregory Hodges
Dudley, Topper and Feuerzeig, LLP
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St. Thomas, VI 00804
ghodges@dtflaw.com

Nizar A. DeWood
The Dewood Law Firm
Eastern Suburb, Suite 101
Christiansted, VI 00820
nizar@dewood-law.com

Dated: March 18, 2016



Mark W. Eckard
Hamm & Eckard, P.C.
5030 Anchor Way
Christiansted, VI 00820
meckard@hammeckard.com

Stipulation for Consolidation
Page 3

Dated: March 18, 2016



Jeffrey B. C. Moorhead
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email : jeffreymlaw@yahoo.com

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 and Counterclaimants,
vs.

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

Counterclaim Defendants.

MOHAMMAD HAMED,

Plaintiff,
vs.

UNITED CORPORATION,

Defendant.

Case No.: SX-2012- CV-370

**ACTION FOR DAMAGES,
INJUNCTIVE RELIEF AND
DECLARATORY RELIEF**

JURY TRIAL DEMANDED

16 MAR 21 4:42 PM
OFFICE OF THE CLERK
SUPERIOR COURT
ST. CROIX

Case No.: SX-2014- CV-287

**ACTION FOR DAMAGES AND
DECLARATORY RELIEF**

JURY TRIAL DEMANDED

ORDER

This matter is before the Court on the parties' Stipulation to Consolidate the above matters. Upon consideration of the matters before the Court, it is hereby

Ordered that Civil No. SX-2014-CV-287 is hereby consolidated with Civil No. SX-2012-CV-370.

Dated:

HONORABLE DOUGLAS A. BRADY
Judge, Superior Court

ORDER
Page 2

ATTEST: ESTRELLA GEORGE
Acting Clerk of Court

By: _____
Deputy Clerk

Dist: Honorable Edgar Ross, Joel H. Holt, Carl Hartmann, Gregory Hodges, Nizar Dewood, Mark Eckard, Jeffrey Moorhead

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

MOHAMMAD HAMED, by his	)	CIVIL NO. SX-12-CV-370
authorized agent WALEED HAMED,)	
)	
Plaintiff/Counterclaim Defendant,	)	ACTION FOR DAMAGES,
	)	INJUNCTIVE RELIEF
vs.	)	AND DECLARATORY RELIEF
)	
FATHI YUSUF and UNITED CORPORATION,)	
)	
Defendants/Counterclaimants,)	
)	
vs.)	
)	
WALEED HAMED, WAHEED HAMED,)	
MUFEED HAMED, HISHAM HAMED, and)	
PLESSEN ENTERPRISES, INC.,)	
)	
Additional Counterclaim Defendants.)	
	)	Consolidated With
<hr/>		
MOHAMMAD HAMED,)	
	)	CIVIL NO. SX-14-CV-287
Plaintiff,)	
v.	)	ACTION FOR DAMAGES
	)	AND DECLARATORY RELIEF
UNITED CORPORATION,)	
)	
Defendant.)	

YUSUF’S ACCOUNTING CLAIMS AND PROPOSED DISTRIBUTION PLAN

Pursuant to the “Final Wind Up Plan Of The Plaza Extra Partnership,” entered on January 9, 2015 (the “Plan”),¹ §9, Step 6, and the August 31, 2016 directive² of the Master, as clarified


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AND FEUERZEIG, LLP
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P.O. Box 756
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(340) 774-4422

¹ Unless otherwise defined, all capitalized terms have the same meaning as provided in the Plan.
² That directive required the Partners to submit any objection to the previously submitted Partnership Accounting and any claims against the Partnership or a Partner by September 30, 2016. It is undisputed that since the inception of the Partnership, the only Partners were Yusuf and Hamed, who died on June 16, 2016. On September 20, 2016, a Motion And Memorandum For Substitution Of Named Plaintiff was filed seeking an Order substituting Waleed M. Hamed, as Executor of the estate of Hamed, as Plaintiff.

EXHIBIT
3

V. Y&S and R&F Stock Sale Proceeds Distribution

The Partnership invested in various entities used to purchase either stock or real estate. One such entity was Y&S. The Partners invested Partnership funds through two of their sons, Hisham Hamed and NejeH Yusuf. The two sons sold their stock for \$900,000, pursuant to an agreement dated January 15, 2000 with Hakima Salem. Rather than receiving the proceeds, the two sons directed that the funds be paid to Yusuf, who was to be the nominee of the sales proceeds and, thus, custodian of the funds. The funds were not paid in a lump sum, but rather periodically and often late. Yusuf has received all of the proceeds from the sale of the stock.



Although claims to these funds were the subject of a separate suit (Hamed v. Yusuf, Superior Court of St. Croix, SX-2014-CV-278), the parties stipulated to have these claims¹³ consolidated into this case and incorporated into the Partnership accounting and distribution. As a result of various adjustments reflected on Exhibit 1 to the complaint in SX-2014-CV-278, \$802,966¹⁴ should be allocated to Hamed to equalize the Partnership distribution between the Partners resulting from the sale of the stock of Y&S and R&F.

VI. Foreign Accounts and Jordanian Properties

As part of the profit sharing arrangement between the Partners, at various points in time, profits of the Partnership were sent to Jordan to be held in bank accounts or invested in real property to the mutual benefit of the Partners. In addition, Partnership profits were also sent to

¹³ Although no claims have ever been pled in this case or SX-2014-CV-278 concerning the \$600,000 in proceeds from Yusuf's sale of his 1,000 shares of stock in R&F pursuant to an agreement dated January 15, 2001 with Hakima Salem, Yusuf is prepared to include these proceeds in his accounting.

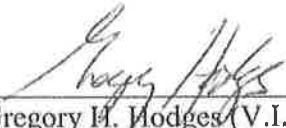
¹⁴ Interest was not included on this claim because, among other things, United did not include all the interest it could claim on the rent actually awarded by the Rent Order. *See* n. 11, above. There are additional reasons for not paying interest on the claim as reflected in Yusuf's First Amended Answer And Counterclaim filed in SX-2014-CV-278. *See also* n. 15, below, regarding \$150,000 offset.

Respectfully submitted,

DUDLEY, TOPPER and FEUERZEIG, LLP

DATED: September 30, 2016

By:


Gregory M. 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

Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 2016, I caused the foregoing **Yusuf's Accounting Claims and Proposed Distribution Plan** to be served upon the following via e-mail:

Joel H. Holt, Esq.
LAW OFFICES OF JOEL H. HOLT
2132 Company Street
Christiansted, V.I. 00820
Email: holtvi@aol.com

Carl Hartmann, III, Esq.
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Jeffrey B.C. Moorhead, Esq.
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The Honorable Edgar A. Ross
Email: edgarrossjudge@hotmail.com



**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

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St. Thomas, U.S. V.I. 00804-0756
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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

MOHAMMED HAMED by His Authorized)
Agent WALEED HAMED,)

Plaintiff/Counterclaim Defendant,)

vs.)

Case No. SX-12-CV-370

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

vs.)

WALEED HAMED, WAHEED HAMED, MUFEEED)
HAMED, HISHAM HAMED, and PLESSEN)
ENTERPRISES, INC.,)

Additional Counterclaim Defendants.)

THE VIDEOTAPED ORAL DEPOSITION OF FATHI YUSUF

was taken on the 2nd day of April, 2014, at the Law Offices
of Adam Hoover, 2006 Eastern Suburb, Christiansted,
St. Croix, U.S. Virgin Islands, between the hours of
9:17 a.m. and 4:16 p.m., pursuant to Notice and Federal
Rules of Civil Procedure.

Reported by:

Cheryl L. Haase
Registered Professional Reporter
Caribbean Scribes, Inc.
2132 Company Street, Suite 3
Christiansted, St. Croix U.S.V.I.
(340) 773-8161

EXHIBIT

4

FATHI YUSUF -- DIRECT

1 (Deposition Exhibit No. 12 was
2 marked for identification.)

3 Q. (Mr. Holt) All right. All right. Showing you
4 Exhibit No. 12, can you tell me if you recognize that? Do
5 you recognize that document --

6 A. Yes, it's my handwriting.

7 Q. And at the top it has "Dorothia" written, is that
8 correct?

9 A. Yes.

10 Q. Can you tell me, what -- what -- what what does
11 this transaction mean?

12 A. The transaction that we bought -- we was in
13 partnership with a third person, that we own 50 percent of
14 the Dorothia real estate -- a real estate in Dorothia, and
15 the other partner owned the other 50 percent.

16 Finally, I come to this decision to sell it
17 to my partner. He bought it at one-and-a-half million, and
18 this number below, it was an idea to Mr. Hamed what would
19 I -- I am counted for, up to the time I give it to him. I
20 tell him what it is. By example, Jordan Fund, 75,000, it's
21 a checking account. This, I'm going to reclaim it back.
22 Because at that time I did it, I did it in the most honest
23 way, and we end up transferring property to myself. That
24 transfer the property cost me money, well, I have to put
25 that money out of my own pocket, even though the obligation

FATHI YUSUF -- DIRECT

1 was on both of us.

2 And then I'm going to use whatever it cost me
3 to transfer that property into my name, at the expense of
4 both of us, even though we missing three, four property that
5 he never transferred it to me. It's still in his name. He
6 said no, but I can claim, I can prove, still in his name.

7 Q. Okay. So now the first line, Dorothisia,
8 1.5 million, those were the funds that you received when the
9 other partner bought you out or paid you off?

10 A. Excuse me, sir?

11 Q. The first line, the 1.5 million on that line?

12 A. Yeah, this is a fund I received -- I received from
13 Dorothisia.

14 Q. And is that actually technically YNH Investments,
15 Inc.? Is that --

16 A. Yes.

17 Q. Okay. And -- and so those were funds that you
18 received from them, is that correct?

19 A. I received for our half, but I kept it. I'm not
20 stealing it. We're going to account for it.

21 Q. Okay.

22 A. This is yours, this is mine.

23 Excuse me. I going back a little bit towards
24 the 251,000. That wasn't Mr. Hamed money. Mr. Hamed, I
25 were giving him \$150,000 to the batch plant, and I have

FATHI YUSUF -- DIRECT

1 proof I deposited it for him in St. Thomas. And up to now,
2 he denying that money. That money, I give him \$150,000 to
3 deliver to the batch plant, and he claim that the batch
4 plant is ours.

5 It's not ours. We put it just not to let the
6 town fight together.

7 Q. Okay. I am going to ask you about the batch
8 plant, but --

9 A. Oh, whenever you want.

10 Q. -- I want to try to stick on this document?

11 A. Yeah. But I want to show you why these people, I
12 believe they owe me a lot of money.

13 Q. I understand.

14 A. Why should I pay them? Let's sit down and say,
15 What is yours and what is mine.

16 Q. No problem. Let me go down this list.

17 Dorothia is -- the 1.5 million were -- were
18 monies paid that belonged to you and -- and Mr. Hamed?

19 A. Yes.

20 Q. And then the Jordan fund, it says 75,000 dinar. I
21 take it that, converted, that's 105,932 U.S. dollars?

22 A. Right.

23 Q. Okay. and those are funds that are to be split
24 between you and Mr. Hamed, as well?

25 A. I explained to you, sir.

FATHI YUSUF -- DIRECT

1 Q. Yeah.

2 A. The 105 is by mistake. I end up transferring from
3 his -- the property was mine and his.

4 Q. Right.

5 A. And I choose for some reason to put it in his
6 name, because I trusted him.

7 Q. Right.

8 A. Now, when we decide to leave, we have to shake
9 hands forever. I'm not looking back anymore. I need my
10 half back, Mr. Mohammad.

11 Q. What is -- what is that plot number, the -- the
12 one you're talking about?

13 A. Several. We have -- we have properties, too much.
14 We have 1,200 or two -- 1,200 acre right here in the Virgin
15 Islands.

16 Q. Okay.

17 A. Were owned between both of us.

18 Q. All right. So then the next line comes down and
19 it says, 617,000 for Fathi Yusuf.

20 A. No. Yeah, this is -- I -- I don't know why I
21 should give him that. This is my half. I went and bought
22 the property with it.

23 Q. Okay. So you --

24 A. After I give him notice, I don't want to work with
25 you no more.

FATHI YUSUF -- DIRECT

1 Q. So we -- tell you what, let's get to the bottom.
2 At the bottom of this calculation is \$802,966.

3 Do you see that?

4 A. Sir, it's a lot of -- this 8,200 (sic) I owe him
5 on account.

6 Q. Okay.

7 A. We sit down, he give what I owe him to the
8 accountant, I give what I believe he owe me to the
9 accountant, and let's (indicating).

10 Q. Okay.

11 A. Let's, what do you call it, reconcile the account,
12 and who owe who, we'll settle. I'm not running away.

13 Q. Okay. So one of the items that you owe them for,
14 I understand there are items back and forth, but one of the
15 items you owe him is the 802,960 --

16 A. Not 802, sir. I told you I already spent 105, or
17 most of it, in a property where both of us is responsible to
18 spend that money.

19 Q. Okay. So you would take the 105 off of this 802?

20 A. I might -- well, the others -- yeah, this -- that
21 should go off.

22 MR. HARTMANN: Half.

23 Q. (Mr. Holt) Half of that should go off?

24 A. Yeah, but I -- sir, thanks God, I -- I -- you
25 know, I'm not speaking Arabic, not even one word up to now.

FATHI YUSUF -- DIRECT

1 Okay? They all English. I'm talking to you in plain
2 English. Let's sit down and give this to an accountant and
3 what is yours is yours, what is mine is mine. I have a
4 check of 536,405, begging Mr. Wally to give me an answer for
5 this check. This is written to your father, drawn on your
6 account. Can you tell me what is this for?

7 Q. Okay.

8 A. All I'm getting, I'll get to the bottom of it.
9 When this gentleman is going to reach the bottom?

10 Q. All right. So the sale of -- the money in
11 Dorothea was 1.5 million, to be split between the two of
12 you.

13 A. Yes, sir.

14 Q. Okay. And then you did some more accounting to
15 come up with the fact --

16 A. Yeah, this will go, and we'll go through every
17 little thing, right? Whatever is his is his, whatever is
18 mine is mine.

19 Q. Okay.

20 A. I'm not denying anything.

21 Q. All right. And on that pile, is 802,966 is --

22 A. Yes, yes, but all of it is not his.

23 Q. All of this is not his.

24 A. Because there's an accountant. Some of it, I told
25 you, by example, the bank statement.

FATHI YUSUF -- DIRECT

1 Q. Which is another -- another item.

2 A. Definitely this was an expense. I brought that
3 money out.

4 Q. Okay. So you start with the 1.5 million, which is
5 50/50, and then you start adding --

6 A. One million and a half is absolutely 50/50. I'm
7 not hiding anything.

8 Q. Okay. And when did you get that money?

9 A. I get that money, I don't have a date. But I get
10 that money maybe, I can guarantee you, it's not three years.
11 It's less than three years. I sold this property many, many
12 years ago.

13 Q. Okay. So you got this money, would it be fair to
14 say you got it in 2012?

15 A. I don't know when.

16 Q. Okay.

17 A. I don't remember.

18 Q. Well, this lawsuit was filed in August of 2012.

19 Did you get the money before this lawsuit was filed?

20 MR. HODGES: September 2012.

21 A. Maybe. Look at the date. Go to the owner and
22 look at the date, or go to the public recorder office.

23 That's something that can be resolved.

24 Q. (Mr. Holt) Okay.

25 A. I don't remember.

FATHI YUSUF -- DIRECT

1 Q. So you don't remember when it was sold.

2 A. No. At least I'm not hiding anything, but I don't
3 remember when I sold it.

4 Q. All right. Let's go back to the batch plant then.
5 Explain to me, first of all, how -- how was the batch --
6 batch plant first purchased? How did you -- how did that
7 get -- where did the funds come from to buy that batch
8 plant?

9 A. The batch plant, when we was selling the water and
10 sending it back home to the poor people, --

11 Q. Uh-huh.

12 A. -- split between his family members -- I mean his
13 family could be 2,000.

14 Q. Right.

15 A. I don't mean his brothers and sister, no. Mine,
16 more or less the same.

17 Then every year, they start to ask, Where's
18 the water money? I say, Mr. Hamed, look. We have to put an
19 end to this. What do you think, we making our people lazy?
20 They start to get free money. Why don't we try to give them
21 something to do? After all, you came with nothing. I came
22 with less than nothing. We poor. Our parents is poor.
23 Very respectable parents, but they're poor. And now we made
24 it. And you are a Muslim, and I am a Muslim.

25 And Muslim religion have five pillar. The