

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

NOTICE OF FILING DOCUMENT IN THE OTHER DIVISION

I. Caption of case including proper division:

Yusuf Yusuf, Fathi Yusuf, et al.
Civil No. SX-13-CV-120

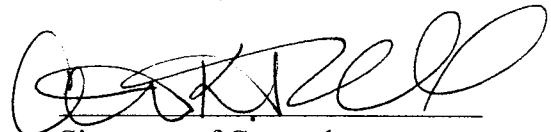
II. Description of Document(s): No. of Pages Document No.

**Notice of Filing Yusuf Yusuf's
Supplemental Rule 26(a)(1)(A)
Disclosures** 2 **(Clerk's Office Only)**

III. Certification of mailing or delivery to each of the following:

<u>Name of Attorney</u>	<u>Type of Service</u>	<u>Dated Emailed</u>
Mark W. Eckard, Esq.	Email/U.S. Mail	December 1, 2016
Jeffrey B.C. Moorhead, Esq.	Email/U.S. Mail	December 1, 2016

Dated: December 1, 2016


Signature of Counsel

**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

YUSUF YUSUF, FATHI YUSUF, FAWZIA YUSUF,)
NEJEH YUSUF, and ZAYED YUSUF, in their)
individual capacities and derivatively on behalf of)
PLESSEN ENTERPRISES, INC.,)

Plaintiffs,)

vs.)

MOHAMMAD HAMED, WALEED HAMED,)
WAHEED HAMED, MUFEED HAMED,)
HISHAM HAMED, FIVE-H HOLDINGS, INC., and)
KAC357, INC.,)

Defendants,)

-and-)

PLESSEN ENTERPRISES, INC.,)

Nominal Defendant.)

CASE NO. SX-13-CV-120

ACTION FOR DAMAGES,
DECLARATORY AND
INJUNCTIVE RELIEF

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF PLAINTIFF YUSUF YUSUF'S SUPPLEMENTAL
RULE 26(a)(1)(A) INITIAL DISCLOSURES**

Plaintiff, Yusuf Yusuf's ("Plaintiff"), through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide notice that on the 1st day of December, 2016, they served their Supplemental Initial Disclosures pursuant to Rule 26(a)(1)(A) by U.S. Mail and electronic transmission to opposing counsel.

DATED: December 1st, 2016

By:

DUDLEY, TOPPER AND FEUERZEIG, LLP



Charlotte K. Perrell, (V.I. Bar #1281)

Law House

1000 Frederiksberg Gade - P.O. Box 756

St. Thomas, VI 00804-0756

Telephone: (340) 774-4422

Facsimile: (340) 715-4400

E-Mail: cperrell@dtflaw.com

Attorneys for Plaintiffs

DUDLEY, TOPPER
AND FEUERZEIG, LLP
1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, U.S. V.I. 00804-0756
(340) 774-4422

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of December, 2016, I caused true and exact copies of the foregoing **NOTICE OF SERVICE OF PLAINTIFF YUSUF YUSUF'S SUPPLEMENTAL RULE 26(a)(1)(A) DISCLOSURES** to be served upon the following via e-mail:

Mark W. Eckard, Esq.
HAMM & ECKARD, LLP
5030 Anchor Way – Suite 13
Christiansted, St. Croix
U.S. Virgin Islands 00820-4692
E-Mail: meckard@hammneckard.com

Jeffrey B.C. Moorhead, Esq.
C.R.T. Building
1132 King Street
Christiansted, St. Croix
U.S. Virgin Islands 00820
E-Mail: jeffreylaw@yahoo.com



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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

YUSUF YUSUF, FATHI YUSUF, FAWZIA YUSUF,)
NEJEH YUSUF, and ZAYED YUSUF, in their)
individual capacities and derivatively on behalf of)
PLESSEN ENTERPRISES, INC.,)

Plaintiffs,)

vs.)

MOHAMMAD HAMED, WALEED HAMED,)
WAHEED HAMED, MUFEED HAMED,)
HISHAM HAMED, FIVE-H HOLDINGS, INC., and)
KAC357, INC.,)

Defendants,)

-and-)

PLESSEN ENTERPRISES, INC.,)

Nominal Defendant.)

CASE NO. SX-13-CV-120

ACTION FOR DAMAGES,
DECLARATORY AND
INJUNCTIVE RELIEF

JURY TRIAL DEMANDED

PLAINTIFF YUSUF YUSUF'S
SUPPLEMENTAL
RULE 26(a)(1)(A) DISCLOSURES

Plaintiff, Yusuf Yusuf, derivatively on behalf of Plessen Enterprises, Inc. ("Plaintiff") through its attorneys, Dudley, Topper and Feuerzeig, LLP, hereby submits its Supplemental Rule 26(a)(1)(A) Disclosures as follows:

Plaintiff shows that on March 21, 2014, Plaintiff served its Initial Disclosures upon opposing counsel and filed a Notice of Filing with the Court. A true and correct copy of

Plaintiff's Initial Disclosures is attached hereto as Exhibit A. Plaintiff incorporates same herein by reference as if fully set forth herein verbatim. Further responding, Plaintiff submits the following supplementation to the Initial Disclosures.

DISCLOSURE No. 1:

The name and, if known, the address and telephone number of each individual likely to have discoverable information, along with the subjects of that information, that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment:

Supplemental:

All persons present at the Shareholders Meeting held on April 30, 2014.

DISCLOSURE No. 2:

A copy of, or a description by category and location, of all documents, electronically stored information, and tangible things that the Plaintiff has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

Supplement:

All documents referenced and attached to the First Amended Complaint.

All documents and video recordings of the April 30, 2014 shareholder meeting.

All bank records relating to Plessen.

(The above-described documents have been previously provided.)

DISCLOSURE No. 3:

A computation of each category of damages claimed by the Plaintiff, who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosures, on which each computation is based, including materials bearing on the nature and extent of the injuries suffered.

Supplementation:

As a result of the waste of corporate assets and usurpation of corporate opportunity, Plessen has sustained damages including, but not limited to, loss of the market value of the premises covered by the Lease.

The Hameds, Five-H and KAC357, individually and collectively, were unjustly enriched by their receipt, benefit, use, enjoyment and/or retention of Plessen's assets.

As a direct and proximate result of the civil conspiracy described in the First Amended Complaint, Plessen has sustained damages including, but not limited to, damage to its reputation, loss of the funds unlawfully obtained from its Scotiabank account, and loss of the fair market value of Plessen's improved property.

DISCLOSURE No. 4:

For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy judgment:

None known at this time.

Plaintiff reserves the right to further supplement these responses.

DATED: December 15th, 2016

By:

DUDLEY, TOPPER AND FEUERZEIG, LLP


Charlotte K. Perrell, (V.I. Bar #1281)

Law House

1000 Frederiksberg Gade - P.O. Box 756

St. Thomas, VI 00804-0756

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E-Mail: cperrell@dtflaw.com

Attorneys for Plaintiffs

Yusuf Yusuf, et al. (v. Mohammad Hamed, et al.)
Case No. SX-13-CV-120
Plaintiff Yusuf Yusuf's Supplemental Rule 26(a)(1)(A) Disclosures
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CERTIFICATE OF SERVICE

It is hereby certified that on this 1st day of December, 2016, I caused a true and exact copy of the foregoing **PLAINTIFF YUSUF YUSUF'S SUPPLEMENTAL RULE 26(a)(1)(A) DISCLOSURES** to be served upon the following via e-mail:

Mark W. Eckard, Esq.
HAMM & ECKARD, LLP
5030 Anchor Way – Suite 13
Christiansted, St. Croix
U.S. Virgin Islands 00820-4692
E-Mail: meckard@hammneckard.com

Jeffrey B.C. Moorhead, Esq.
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E-Mail: jeffreymlaw@yahoo.com



Frances Thomas

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EXHIBIT A

YUSUF YUSUF, derivatively on behalf of PLESSEN ENTERPRISES, INC. vs.
WALEED HAMED, WAHEED HAMED, MUFEED HAMED, HISHAM HAMED,
and FIVE-H HOLDINGS, INC.

Case No.: SX-13-CV-120

Plaintiff's Rule 26(a)(1) Initial Disclosures

Page 2 of 4

3. Maher Yusuf, Current Director and Shareholder of Plessen
4. Mohammed/Mohamad Hamed, Current Director, President and Shareholder of Plessen
5. Yusuf Yusuf, Plaintiff and Shareholder of Plessen
6. Fawzia Yusuf, Shareholder of Plessen
7. NejeH Yusuf, Shareholder of Plessen
8. Mufeed Hamed, Shareholder of Plessen and an Owner/Officer of Five-H
9. Waheed Hamed, Shareholder of Plessen and an Owner/Officer of Five-H
10. Hisham Hamed, Shareholder of Plessen and an Owner/Officer of Five-H
11. Mike Yusuf
Plaza Extra
14 Estate Plessen
St. Croix, USVI 00840
340-719-1870
340-719-1874

Any witness identified by Plaintiff in his Rule 26 disclosures or responses to written discovery.

DISCLOSURE No. 2:

A copy of, or a description by category and location, of all documents, electronically stored information, and tangible things that the Plaintiff has in her possession, custody, or control and may use to support her claims or defenses, unless the use would be solely for impeachment:

1. Copy of cancelled Check No. 0376 dated March 27, 2013 made payable to Waleed Hamed on the account of Plessen in the amount of Four Hundred Sixty Thousand and 00/100 US Dollars as processed by Scotiabank on March 27, 2013 attached hereto as Exhibit "A".
2. Copy of Plessen's Scotiabank Business Checking Account Summary for Account No. 058-00045012 showing transactions from March 8, 2013 – March 29, 2013 attached hereto as Exhibit "B".

DISCLOSURE No. 3:

A computation of each category of damages claimed by the Plaintiff, who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered:

Loss of funds in the amount of \$460,000 plus additional actual, compensatory and punitive damages. Investigation continues.

DISCLOSURE No. 4:

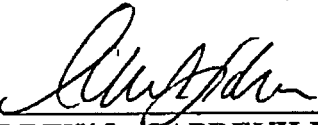
For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy judgment:

None known at this time.

Plaintiff reserves the right to supplement these disclosures according to Rule 26(e) of the Federal Rules of Civil Procedure if additional information is obtained after the date of these disclosures.

**LAW OFFICES OF
ANDREW L. CAPDEVILLE, P.C.**

DATED: March 21, 2014

By: 
ANDREW L. CAPDEVILLE, ESQ.
V.I. Bar No. 206
Attorneys for Plaintiff
8000 Nisky Center, Suite 201
P.O. Box 6576
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YUSUF YUSUF, derivatively on behalf of PLESSEN ENTERPRISES, INC. vs.
WALEED HAMED, WAHEED HAMED, MUFEED HAMED, HISHAM HAMED,
and FIVE-H HOLDINGS, INC.
Case No.: SX-13-CV-120
Plaintiff's Rule 26(a)(1) Initial Disclosures
Page 4 of 4

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of March, 2014, I caused the original of Plaintiff's Rule 26(a)(1)(A) Disclosures to be served via first class mail, postage prepaid upon:

Mark W. Eckard, Esq.
P.O. Box 24849
Christiansted, VI 00824
Counsel for the Defendants

Nizar A. DeWood, Esq.
The DeWood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820
Co-counsel for Plaintiff



11-2025-850
058-4609-11
Deposits only

11-2025-850

Processed
Engine Spool



Scotiabank

Your BUSINESS CHECKING Account Summary

PLISSEN ENTERPRISES, INC.
058-00045012

1-016 DUCOTIA
1-556-972-8842

www.USVI.scotiabank.com

Transactions (Withdrawals & Deposits) - 058-00045012

DATE	DESCRIPTION	AMOUNT	BALANCE
	OPENING BALANCE		\$ 530,576.66
1 MAR	DEPOSIT - 374437	\$ 26,000.00 -	\$ 556,576.66
15 MAR	CHECK - 370	\$ 32,803.86 -	\$ 423,772.80
17 MAR	CHECK - 371	\$ 6,175.31 -	\$ 417,597.49
21 MAR	CHECK - 376	\$ 10,000.00 -	\$ 407,597.49
21 MAR	SERVICE CHARGE	\$ 8.50	\$ 407,588.99
	CLOSING BALANCE		\$ 7,588.99

Total Returned Item Fees This Period	\$ 0.00	Total Overdraft Fees This Period	\$ 0.00
Total Returned Item Fees Year to Date	\$ 0.00	Total Overdraft Fees Year to Date	\$ 0.00

