

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 RESPONSES TO
MUFEED HAMED'S FIRST INTERROGATORIES**

Plaintiff, Yusuf Yusuf, through his attorneys, Dudley, Topper and Feuerzeig, LLP,
hereby provides his Responses to Defendant Mufeed Hamed's First Set of Interrogatories:

GENERAL OBJECTIONS

Yusuf Yusuf makes the following general objections to the Interrogatories. These
general objections apply to all or so many of the Interrogatories that, for convenience, they are
set forth herein and are not necessarily repeated after each objectionable Interrogatory. The

assertion of the same, similar, or additional objections in the individual responses to the Interrogatories, or the failure to assert any additional objections to a discovery request does not waive any of Yusuf Yusuf's objections as set forth below:

(1) Yusuf Yusuf objects to the Interrogatories to the extent they may impose obligations different from or in addition to those required under the Federal Rules of Civil Procedure.

(2) Yusuf Yusuf objects to each interrogatory that uses the words "any" and "all" as being overly broad, unduly burdensome, immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

(3) Yusuf Yusuf objects to the Interrogatories to the extent they seek information which is protected by the attorney-client privilege or work-product doctrine, including information prepared in anticipation of litigation, or for trial, by or on behalf of Yusuf Yusuf or relating to mental impressions, conclusions, opinions, or legal theories of its attorneys or representatives, or any other applicable privilege or doctrine under federal or state statutory, constitutional or common law. Yusuf Yusuf's answers shall not include any information protected by such privileges or doctrine, and documents or information inadvertently produced which includes such privileged information shall not be deemed a waiver by Yusuf Yusuf of such privilege or doctrine.

(4) Yusuf Yusuf objects to the Interrogatories to the extent that they seek information and documents concerning any matter that is irrelevant to the claims or defenses of any party to this action, and not reasonably calculated to lead to the discovery of admissible evidence.

(5) Yusuf Yusuf objects to the Interrogatories to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Yusuf Yusuf's response to each such request will be based upon its understanding of the request.

(6) Yusuf Yusuf objects to the Interrogatories to the extent they seek documents or information not in the possession, custody or control of Yusuf Yusuf, on the ground that it would subject him to undue burden, oppression and expense, and impose obligations not required by the Federal Rules of Civil Procedure.

(7) Yusuf Yusuf has not completed either its discovery or its preparation for trial of this matter. Accordingly, Yusuf Yusuf's responses to the Interrogatories are made without prejudice to Yusuf Yusuf's right to make any use of, or proffer at any hearing or at trial, and are based only upon information presently available. If and as additional, non-privileged, responsive documents are discovered, these Interrogatories will be supplemented to the extent that supplementation may be required by the Federal Rules of Civil Procedure.

(8) Yusuf Yusuf objects to the Interrogatories to the extent that when all of the subparts are included they are in excess of the number permitted by Rule 33.

Yusuf Yusuf, et al. (v. Mohammad Hamed, et al.)
Case No. SX-13-CV-120
Plaintiff Yusuf Yusuf's Responses to Defendant
Mufeed Hamed's First Interrogatories
Page 4 of 12

INTERROGATORIES AND RESPONSES

INTERROGATORY NO. 1

Please Identify all Scotiabank personnel that any Yusuf Family Member or any Yusuf attorney from 2013 to the present had contact with in connection with *People v Mufeed Hamed*, SX-15-CR-352 and/or *People v Waleed Hamed*, SX-15-CR-353.

RESPONSE:

Subject to the above stated objections, Plaintiff shows that there were no particular employees from Scotiabank that any Yusuf Family Member or Yusuf Attorney had contact with relating to the two cases referenced. Rather, Yusuf Yusuf requested information from whomever happened to be present at the bank when he inquired.

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade
P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756
(340) 774-4422

Yusuf Yusuf, et al. (v. Mohammad Hamed, et al.)
Case No. SX-13-CV-120
Plaintiff Yusuf Yusuf's Responses to Defendant
Mufeed Hamed's First Interrogatories
Page 5 of 12

INTERROGATORY NO. 2

Please Identify any and all Scotiabank personnel that any Yusuf Family Member or Yusuf attorney from 2013 to the present had contact with regarding the March 27, 2013 withdrawal of \$460,000, check number 0376, from Plessen's Account.

RESPONSE:

Subject to the above stated objections, Plaintiff shows that there were no particular employees from Scotiabank that any Yusuf Family Member or Yusuf Attorney had contact with relating to the two cases referenced. Rather, Yusuf Yusuf requested information from whomever happened to be present at the bank when he inquired.

Yusuf Yusuf, et al. (v. Mohammad Hamed, et al.)
Case No. SX-13-CV-120
Plaintiff Yusuf Yusuf's Responses to Defendant
Mufeed Hamed's First Interrogatories
Page 6 of 12

INTERROGATORY NO. 3

Please Identify the source of the document marked **Exhibit 1**, how it came into the possession of any Yusuf Family Member or Yusuf attorney, when it came into possession of any Yusuf Family Member or Yusuf attorney and the identity of who provided it to the Government of the Virgin Islands.

RESPONSE:

It is Yusuf Yusuf's recollection that he obtained a physical copy directly from Scotiabank after the discovery of the check for \$460,000.00 in an effort to investigate the matter. It is also possible that Sergeant Mark A. Corneiro received a copy of it directly from Scotiabank during his investigation as well. It is Mike Yusuf's recollection that Attorney DeWood was present when the information was provided to Sergeant Mark A. Corneiro.

Upon further inquiry, it is believed that the document was also later secured from Scotiabank pursuant to a subpoena issued in the *Hamed v Yusuf*, SX-12-CV-370 (the "370 Case").

Yusuf Yusuf, et al. (v. Mohammad Hamed, et al.)
Case No. SX-13-CV-120
Plaintiff Yusuf Yusuf's Responses to Defendant
Mufeed Hamed's First Interrogatories
Page 7 of 12

INTERROGATORY NO. 4

Please Identify the source of the document marked **Exhibit 2**, how it came into the possession of any Yusuf Family Member or Yusuf attorney and when it came into possession of any Yusuf Family Member or Yusuf attorney.

RESPONSE:

It is Yusuf Yusuf's recollection that he obtained a physical copy directly from Scotiabank after the discovery of the check for \$460,000.00 in an effort to investigate the matter. It is also possible that Sergeant Mark A. Corneiro received a copy of it directly from Scotiabank during his investigation as well. It is Mike Yusuf's recollection that Attorney DeWood was present when the information was provided to Sergeant Mark A. Corneiro.

Upon further inquiry, it is believed that the document was also later secured from Scotiabank pursuant to a subpoena issued in the *Hamed v Yusuf*, SX-12-CV-370 (the "370 Case").

Yusuf Yusuf, et al. (v. Mohammad Hamed, et al.)
Case No. SX-13-CV-120
Plaintiff Yusuf Yusuf's Responses to Defendant
Mufeed Hamed's First Interrogatories
Page 8 of 12

INTERROGATORY NO. 5

Please Identify the source of the document marked Exhibit 3, how it came into the possession of any Yusuf Family Member or Yusuf attorney and when it came into possession of any Yusuf Family Member or Yusuf attorney

RESPONSE:

It is Yusuf Yusuf's recollection that he obtained a physical copy directly from Scotiabank after the discovery of the check for \$460,000.00 in an effort to investigate the matter. It is also possible that Sergeant Mark A. Corneiro received a copy of it directly from Scotiabank during his investigation as well. It is Mike Yusuf's recollection that Attorney DeWood was present when the information was provided to Sergeant Mark A. Corneiro.

Upon further inquiry, it is believed that the document was also later secured from Scotiabank pursuant to a subpoena issued in the *Hamed v Yusuf*, SX-12-CV-370 (the "370 Case").

Yusuf Yusuf, et al. (v. Mohammad Hamed, et al.)
Case No. SX-13-CV-120
Plaintiff Yusuf Yusuf's Responses to Defendant
Mufeed Hamed's First Interrogatories
Page 9 of 12

INTERROGATORY NO. 6

With regard to the Request To Admit that asks the following: "*ADMIT or DENY that a Yusuf Family Member or members has knowledge of when, by whom or under what circumstances the phrase "One Hamed and One Yusuf" to this card*" Describe with particularity and with reference to any related documents when, by whom and under what circumstances the phrase "One Hamed and One Yusuf" was typed on the Signature Card that is Exhibit 2 thereto.

RESPONSE:

It was requested that this restriction be added to the account in early 2012. Both Mike Yusuf and Waleed Hamed signed the Information Gathering Form which showed this restriction in the instructions at page 4 of 7, ¶16(B). Mike Yusuf has no specific recollection as to this particular card but simply knows that the request was made and the bank prepared the documents.

INTERROGATORY NO. 7

Describe, with particularity as to dates and persons or documents present, all meetings, conferences or communications between any member of the Yusuf Family and Scotiabank, the VI Daily News, the VIPD, any other VI Government official, regarding the alleged embezzlement from the Plessen Account.

RESPONSE:

As to any meetings with Scotiabank, there were no meetings *per se*, rather, it is Yusuf Yusuf's recollection that he obtained a physical copy directly from Scotiabank after the discovery of the check for \$460,000.00 in an effort to investigate the matter. Mike Yusuf had no particular contact with any specific individual but simply made the request to whomever was present at the bank at the time.

There was no meeting with the VI Daily News. Mike Yusuf received a call from them, answered no questions and referred them to the V.I.P.D.

Mike Yusuf did file a report and met with Sergeant Mark A. Corneiro. It is Mike Yusuf's recollection that Attorney DeWood was present when the information was provided to Sergeant Mark A. Corneiro. Mike Yusuf recalls that there were a few calls between himself and Sergeant Corneiro. Sergeant Corneiro undertook his own investigation as well.

The documents received were those set forth in Exhibits 1,2 and 3. Mike Yusuf also obtained a copy of the Department of Consumer Affairs Print-Out dated February 14, 2013 from that office directly.

VERIFICATION

I hereby certify under penalty of perjury that the facts contained in each of the foregoing responses to interrogatories are true and correct to the best of my knowledge, information and belief.

DATED: 12/16/2016

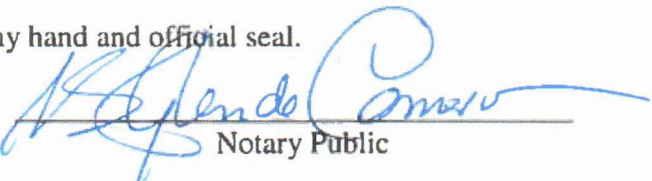


YUSUF YUSUF

TERRITORY OF THE U.S. VIRGIN ISLANDS)
DISTRICT OF St. Croix) ss.:

On this, the 12th day of December, before me, the undersigned officer, personally appeared Yusuf Yusuf, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document and acknowledged that he/she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.




Notary Public

K. Glenda Cameron
Commission Number LPN 013-14
Expiration Date: May 29, 2018

Yusuf Yusuf, et al. (v. Mohammad Hamed, et al.)
Case No. SX-13-CV-120
Plaintiff Yusuf Yusuf's Responses to Defendant
Mufeed Hamed's First Interrogatories
Page 12 of 12

DATED: December 19th, 2016

DUDLEY, TOPPER AND FEUERZEIG, LLP
By: 
CHARLOTTE K. PERRELL
(V.I. Bar #1281)
Law House
1000 Frederiksberg Gade - P.O. Box 756
St. Thomas, VI 00804-0756
Telephone: (340) 715-4422
Facsimile: (340) 715-4400
E-Mail: cperrell@dtflaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

It is hereby certified that on this 19th day of December, 2016, I caused a true and exact copy of the foregoing **PLAINTIFF YUSUF YUSUF'S RESPONSES TO DEFENDANT MUFEEED HAMED'S FIRST INTERROGATORIES** 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: jeffreymlaw@yahoo.com



R:\DOCS\6254\4\PLDG\16Z6297.DOCX

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade
P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756
(340) 774-4422