

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

HISHAM HAMED, individually, and  
Derivatively, on behalf of **SIXTEEN  
PLUS CORPORATION,**

Plaintiff,

vs.

FATHI YUSUF, ISAM YOUSUF and  
JAMIL YOUSEF,

Defendants.

and

**SIXTEEN PLUS CORPORATION,**

a nominal Defendant,

CIVIL NO. SX-16-CV-650

DERIVATIVE SHAREHOLDER  
SUIT, ACTION FOR DAMAGES  
AND CICO RELIEF

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF  
ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S  
FIRST REQUEST FOR INTERROGATORIES TO DEFENDANT ISAM YOUSUF**

**COMES NOW** defendant, **ISAM YOUSUF**, by and through his undersigned attorneys, the Law Offices of James L. Hymes, III, P.C. (***James L. Hymes, III, of Counsel***), does not voluntarily appear in this matter, does not submit to the jurisdiction of the Court, and does not waive any objections to subject matter jurisdiction, personal jurisdiction, improper venue, insufficiency of process, insufficiency of service of process, or failure to state a claim upon which relief can be granted, or any other defense or objection which may be presented whether by pleading or motion in this action, and pursuant to the provisions of LRCI 26.2(c) and Fed.R.Civ.P. 26(a)(1), provides notice

HISHAM HAMED, Individually, and derivatively, on behalf of SIXTEEN PLUS CORPORATION vs.  
FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF  
SCVI/STX Civil No. SX-16-CV-650  
NOTICE OF SERVICE OF ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S FIRST REQUEST FOR  
INTERROGATORIES TO DEFENDANT ISAM YOUSUF

that his Response to Plaintiff Hisham Hamed's First Request for Interrogatories to Defendant Isam Yousuf has been served upon plaintiff's counsel, with copies to the remaining counsel of record as set forth in the Certificate of Service, below.

Respectfully Submitted

DATED: August 8, 2017.

**LAW OFFICES OF JAMES L. HYMES, III, P.C.**  
*Counsel for Defendants –*  
*Isam Yousuf, and Jamil Yousuf*

By: 

**JAMES L. HYMES, III**

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**CERTIFICATE OF SERVICE**

I hereby certify this document complies with the page or word limitation set forth in V.I. R. Civ. P. 6-1(e) and that on this the 8<sup>th</sup> day of August, 2017, I caused an exact copy of the foregoing ***“Notice of Service of Isam Yousuf’s Response to Plaintiff Hisham Hamed’s First Request for Interrogatories to Defendant Isam Yousuf”*** together with the Response referred to therein, to be served electronically by e-mail, and by mailing same, postage pre-paid, to the following counsel of record:

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

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**HISHAM HAMED**, individually, and  
Derivatively, on behalf of **SIXTEEN  
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**ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S  
FIRST REQUEST FOR INTERROGATORIES TO DEFENDANT ISAM YOUSUF**

The Defendant, **ISAM YOUSUF** (incorrectly referred to in the caption as Jamil Yousef"), by and through his undersigned attorney, James L. Hymes, III, does not voluntarily appear in this matter, does not submit to the jurisdiction of the Court, and does not waive any objections to subject matter jurisdiction, personal jurisdiction, improper venue, insufficiency of process, insufficiency of service of process, or failure to state a claim upon which relief can be granted, or any other defense or objection which may be presented whether by pleading or motion in this action, hereby responds to Plaintiff's First Request For Interrogatories to Defendant Isam Yousuf, as follows:

## I. GENERAL OBJECTIONS

ISAM YOUSUF, incorporates the following general objections into each and every interrogatory response as set forth below, and further, by submitting his responses to these Interrogatories, does not voluntarily appear in this matter, does not submit to the jurisdiction of the Court, and does not waive any objections to subject matter jurisdiction, personal jurisdiction, improper venue, insufficiency of process, insufficiency of service of process, or failure to state a claim upon which relief can be granted, or any other defense or objection which may be presented whether by pleading or motion in this action, including those set forth in his Motion to Dismiss Plaintiff's First Amended Complaint:

1. Isam Yousuf objects to that portion of plaintiff's instructions and definitions to the extent that they impose any burden on him not specifically provided for by the Virgin Islands Rules of Civil Procedure.

2. Isam Yousuf objects to each interrogatory to the extent that any full answer thereto would require this defendant to divulge information, documents, or communications protected by the attorney-client privilege or the attorney work product doctrine, or to the extent that it seeks information or documents reflecting attorney/client communications, attorney work product, or the work product of non-attorneys prepared for, or under the direction of an attorney, or in anticipation of litigation or for trial preparation.

3. Isam Yousuf objects to each interrogatory to the extent that it seeks information or documents outside of his possession and custody, or in the control of a third-party over whom he has no power.

4. Isam Yousuf objects to each interrogatory to the extent it is overly broad, unduly vague, or ambiguous.

5. Isam Yousuf objects to each interrogatory to the extent it requires the production of information which would be burdensome, oppressive, or expense to produce.

6. Isam Yousuf objects to each interrogatory to the extent that it seeks information that is not, in any meaningful way, related to the parties' claims or defenses.

7. Isam Yousuf objects to each interrogatory, or any portion thereof, that seeks information on matters of public record, or other information to which plaintiff has equal access.

8. Isam Yousuf objects to each interrogatory, or portion thereof, which requires a response that may contain or reflect subsequent remedial measures or reflect information protected by the privilege of self-critical evaluation.

9. Isam Yousuf objects to each interrogatory to the extent it seeks information not calculated to lead to the discovery of relevant or admissible evidence.

10. Isam Yousuf objects to any inadvertent disclosure of privileged information being deemed a waiver, or being used affirmatively against them for any reason or purpose.

11. Isam Yousuf objects to each interrogatory to the extent that it seeks information in excess of the numerical limitation including all discrete subparts.

## II. INTERROGATORIES

### Interrogatory 1:

Please state your full name, including all spellings you have used, any nicknames, date of birth and every address where you have resided since January of 1992.

### Response:

**My full name is Isam Mohamad Yousuf. I am also known as Sam. I was born on February 20, 1952. From 1990 to 2010, I lived at #25 Gold Finch Road, St. Maarten. From 2010 to the present, I live at #3D Billy Fully Rd., St. Maarten.**

**Interrogatory 2:**

Please state the name and address of each place you have worked or been self-employed between 1986 and 2017 and for each such place, please state:

- a) All of your job title(s) or position(s)
- b) Your rate(s) of pay
- c) The time you started and the time you left each such job

**Response:**

**Between 1986 and 1989, I was the self-employed owner of Sosamag Supermarket, Rue de General DeGaulle, French St. Maarten.**

**Between 1986 and 2001, I was the manager/shareholder of Island Appliances, Canigater Street, Dutch St. Maarten.**

**Between 1996 and 2001, I was the manager/ shareholder of Dyson's Island Furniture, St. Maarten.**

**Between 2001 to the present, I have been the manager/shareholder of Travel Inn Hotel, St. Maarten**

**between 2010 – 2017 I have been the manager/shareholder of Simpson Bay suites, St. Maarten**



**Interrogatory 3:**

Please describe in detail all that you know about BFC Island Appliance, including but not limited to its location, years of operation, ownership, location of its bank accounts, your relationship to it and its one of its owners/operators as well as the name and address of all of its other owners/operators.

**Response:**

**In 1986, I acquired Sosamag Supermarket in the French side of St. Maarten. The previous owner had an account with BFC Bank. I opened an account with the same bank for Island Appliances sometime near the end of 1986, or the beginning of 1987.**

**Interrogatory 4:**

Please list all financial accounts you have, that are fully or partially in your name, in any corporation, partnership or business association in which you own more than 5% interest, or as to which you are a beneficiary from January 1, 1995 through December 31, 2000, including but not be limited to all: bank accounts, stock brokerage accounts, negotiable instrument accounts, retirement accounts, trading or options accounts, and funds transfer accounts. For each, identify the name and address of the institution, the title holder(s), the beneficiaries or trust beneficiaries as well as the last four digits of the account number(s).

**Response:**

**BFC Bank – I had a personal bank account. Island Appliances had a business account at the same bank.**

**Windward Island Bank - Island Appliances had a business account with the bank at its Phillipsburg St. Maarten branch.**

**Windward Island Bank - Dyson Island Furniture had a business account at the bank's Phillipsburg St. Maarten branch.**

**Interrogatory 5:**

Please state the full name and address of each person with whom you discussed any aspect the loan transaction for the Promissory Note attached hereto as Exhibit I and the mortgage secured by it prior to the loan being finalized in 1997, and for each such person please state:

- a) The approximate dates of each such discussion;
- b) Whether the discussion was in person or not
- c) The specifics, and if specifics are not recalled, the general nature or gist of all such discussions.

**Response:**

**I spoke with both Fathi Yusuf and Waleed Hamed by telephone from St. Maarten in late February 1997, or early March 1997, regarding the method by which repayment of the loan to be made by Manal Yousuf would be secured.**

**Interrogatory 6:**

Please state all residential addresses you know or believe Manal Mohammad Yousef physically resided at for more than 1 month from 1990 to present, including the dates she resided at each location.

**Response:**

Manal Yousuf moved to St. Martin in late 1991 with her husband. They stayed in my house at #25 Gold Finch Road for two months. She then moved to my apartment at #65 Madam Estate, and stayed there for approximately one year. In 1992 she moved to a house which she rented in Cole Bay where she stayed until June 2010, when she moved home to Palestine.

**Interrogatory 7:**

Regarding any communications you have had with Fathi Yusuf from 1996 to present that you can recall involving any discussions related to Sixteen Plus, Manal Mohammed Yousef or anything to do with Manal Yousef's loan to Sixteen Plus, please state:

- a) The date and place of each such communication;
- b) The specifics, and if specifics are not recalled, the general nature or gist of each conversation;
- c) For each such communication, state where you were located when it occurred.

**Response:**

In late 1996 or early 1997, discussions were had between Manal's father and her uncle, Fathi Yusuf, regarding finding investments for her money. In early February 1997, Fathi and Waleed came to St. Maarten to discuss the possibility of Manal making a loan to Sixteen Plus Corporation. In early February 1997, I was ordered by Manal's father to send Two Million Dollars (\$2,000,000) of Manal's money to Sixteen Plus Corporation. All of these discussions took place in St. Maarten either at my home, while we were driving in a car to a restaurant, or at restaurants we ate in. I was present for all of these discussions.

**Interrogatory 8:**

Regarding any communications you have had with Manal Mohammad Yousef from 1996 to present that you can recall involving any discussion about Fathi Yusuf, Sixteen Plus, or anything to do with her loan to Sixteen Plus, please state:

- a) The date and place of each such communication;
- b) The specifics, and if specifics are not recalled, the general nature or gist of each conversation;
- c) For each such communication, state where you were located when it occurred.

**Response:**

**See Response to Interrogatory 7, above. Manal's father discussed in front of me the need to make investments for her of money he had given to her for investment purposes. I was present when Fathi and Waleed discussed the possibility of Manal loaning money to the Sixteen Plus Corporation for investment purposes. Since Manal is my sister we have always spoken about her investment and loan to the Sixteen Plus Corporation, including such things as the interest payments which were made, and more recently the best way to collect the unpaid portion of the loan. Since she left the Island in 2010, I have spoken with her several times a week, primarily about family matters.**

**Interrogatory 9:**

Regarding the information listed on page 6 of Exhibit 2 as well as Exhibit 3 that are attached, please explain:

- a) Why you had BFC Island Appliance transfer \$2,000,000 to Sixteen Plus on or about February 19, 1997;
- b) How you and/or BFC Island Appliance obtained the \$2,000,000 to transfer to Sixteen Plus on or about February 19, 1997; and
- c) Who instructed you to send the funds.

**Response:**

**The Two Million Dollars (\$2,000,000) which was transferred by Island Appliance to Sixteen Plus Corporation on or about February 19, 1997, was money belonging to Manal Mohammad Yousef which I was handling for her. This transfer was part of the loan by her to the corporation. Manal Mohammad Yousef's father had made deposits for her benefit into my account since 1990, or before, on many different dates. I was always under instructions to look for investments for her, and the order to transfer the money came from her father.**

**Interrogatory 10:**

Regarding the information listed on page 6 of Exhibit 2 and Exhibit 4 that are attached, please explain:

- a) Why you had BFC Island Appliance transfer \$2,000,000 to Sixteen Plus on September 4, 1997;
- b) How you and/or BFC Island Appliance obtain the \$2,000,000 to transfer to Sixteen Plus on September 4, 1997;
- c) Who instructed you to send the funds to Sixteen Plus; and
- d) List what Bank Officers were involved in handling this transaction.

**Response:**

**See Responses to Interrogatories 7, 8, and 9, above. The transfer of Two Million Dollars (\$2,000,000) from the Island Appliance account to Sixteen Plus Corporation on September 4, 1997, was a transfer of money belonging to Manal Mohammad Yousef which had been given to her by her father for investment purposes. I handled the necessary instructions to send the funds to Sixteen Plus Corporation. I have no present recollection of the names of any bank officers involved in this transaction since it occurred so many years ago.**



**Interrogatory 11:**

Regarding the Power of Attorney ("POA") attached as Exhibit 5, please state:

- a) What, if anything, did you do to assist in having this POA signed by Manal Mohammad Yousef; and
- b) What, if anything, did Fathi Yusuf or Manal Yousef tell you about this POA.

**Response:**

After I explained to Manal Yousef why Waleed Hamed said he needed the Real Estate Power of Attorney, I assisted her with the execution of the Real Estate Power of Attorney by driving her to the office of a notary. When Fathi Yusuf found out that the Real Estate Power of Attorney was issued to him in his name, he told me that he rejected it.

**Interrogatory 12:**

Regarding any communications you have had with any lawyers in the Virgin Islands, including Nizar DeWood, Gregory Hodges, Stefan Herpel and Kye Walker from 2014 to present that you can recall related to any discussions involving Sixteen Plus, Manal Mohammed Yousef or anything to do with Manal Yousef's loan to Sixteen Plus, please state:

- a) The date and place of each such communication;
- b) The specifics, and if specifics are not recalled, the general nature or gist of each conversation; and
- c) For each such communication, state where you were located when it occurred.

**Response:**

**I have no recollection of ever having spoken with Attorney Greg Hodges and Attorney Stefan Herpel.**

**I spoke on the telephone with Attorney Kye Walker and answered questions she had regarding the loan to Manal Yousef.**

**I spoke with Mr. DeWood in person in his office regarding investments with Merrill Lynch.**

**Interrogatory 13:**

Regarding any communications you have had with any lawyers in St, Martin, including the lawyer who sent the letter attached as Exhibit 6, from 2012 to present that you can recall related to any discussions involving Sixteen Plus, Manal Mohammed Yousef or anything to do with the Manal Yousef's loan to Sixteen Plus, please state:

- a) The date and place of each such communication;
- b) The specifics, and if specifics are not recalled, the general nature or gist of each conversation; and
- c) For each such communication, state where you were located when it occurred.

**Response:**

**In December 2012, I met with Mr. Snow in his office in St. Maarten. My son was with me at the time and we discussed the status of the loan which Manal Mohammad Yousef made to the Sixteen Plus Corporation, and the fact that it had not been repaid. Mr. Snow suggested that he send a letter regarding the matter.**

**Interrogatory 14:**

Did Manal Mohammad Yousef ever give you any funds, which shall include but not be limited to, funds to transfer to Sixteen Plus? If so, please state:

- a) All dates when this occurred;
- b) The amount given to you on each date;
- c) The amount given to you on each date by wire transfer, identifying the transferring bank;
- d) The amount given to you on each date by check, identifying the bank or brokerage account on which the check was written; and
- e) The source of her funds that she transferred to you.

**Response:**

**The money which was given to Manal Yousef by her father was deposited by him into the bank account over a period of years.**

**Interrogatory 15:**

Did you ever come into possession of the summons issued to Manal Mohammad Yousef attached as Exhibit T? If so, please state:

- a) What you did once you received it
- b) The name and address of anyone you discussed the summons with?
- c) Who you sent copies of the summons to, if anyone?
- d) Whether you ever told Manal Mohammad Yousef about the summons.

**Response:**

**I saw the Summons for the first time after I returned from a trip to Jordan, when it was shown to me by my son. My son and I discussed it with Attorney Walker. I discussed it with Manal Mohammad Yousef, but I cannot recall the exact date when this was done.**

**Interrogatory 16:**

Please state the date of all trips to the United States Virgin Islands since 1996 and for each such trip, please state:

- a) The date of said trip;
- b) The purpose for said trip;
- c) The gist of your conversation on each such trip with Fathi Yusuf, James Ross, Nizar Dewood or Waleed Hamed on any such trip; and
- d) The name and address of each person you can recall you spoke with in each trip other than Nizar Dewood, Fathi Yusuf and Waleed Hamed.

**Response:**

I have no recollection of having made a trip to the U.S. Virgin Islands prior to 2001. The only trip I made to the U.S. Virgin Islands after 2001 was in March, 2015. The purpose of the trip was to visit with the offices of Merrill Lynch with Waleed Hamed and Fathi Yusuf. The purpose of my trip and my discussions was to try to solve the problems between Mr. Hamed and Mr. Yusuf, and to see if the loan which my sister made to the Sixteen Plus Corporation could be repaid. My discussions with Nizar DeWood were for this same reason.

My discussions with James Ross concerned investments for the benefit of my wife. In addition, since I used to live in the Virgin Islands many years ago, I also spoke on a social basis with many of the Arab people in the Virgin Islands, as well as local people who I have known for a long time. These discussions were unrelated to this litigation.

**Interrogatory 17:**

Regarding 25 Gold Finch Road, Pointe Blanche Sint Maartin, please state:

- a) Who has resided at this address since 1997?
- b) When is the last time, if ever, that you resided there
- c) If you have not lived at this address since 2015, how did you learn about this lawsuit?
- d) If you have not lived at this address since 2015, how did you learn about the lawsuit that Sixteen Plus filed against Manal Mohammad Yousef?

**Response:**

Since 1997, I and my brother and his family have lived at #25 Gold Finch Road, St. Maarten. In 2010, I moved to an apartment building which I own at 3D Billy Fully Road, St. Maarten, as did my brother. I learned about the lawsuit from the maintenance man at the Gold Finch Road premises who found a copy of the Complaint and Summons by a door in May, 2016.

**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: 7/19/2017 [Signature]  
Isam Yousuf

)  
) ss.  
)

On this, the 19<sup>th</sup> day of July of 2017, before me, the undersigned officer, personally appeared Isam Yousuf, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document and acknowledged that he executed the same for the purpose therein contained.

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

[Signature]  
Notary Public  
(a civil law notary)  
Marlene Françoise Mingo



Seen for legalization of the signature of ISAM MOHAMAD YOUSUF, who identified himself with a passport, issued by the United States of America, under number 482522158, by me, Marlene Françoise Mingo, LL.M., a civil law notary, established on Sint Maarten, on this 19<sup>th</sup> day of July, 2017. This declaration for the legalization of the signature, by the civil law notary, contains no opinion as to the contents of this document.



HISHAM HAMED, Individually, and derivatively, on behalf of SIXTEEN PLUS CORPORATION vs.

FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF

SCVI/STX Civil No. SX-16-CV-650

ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S FIRST REQUEST FOR INTERROGATOIRES TO DEFENDANT ISAM YOUSUF

DATED: 7/27, 2017.

LAW OFFICES OF JAMES L. HYMES, III, P.C.  
*Counsel for Defendants –  
Isam Yousuf, and Jamil Yousuf*

By: 

**JAMES L. HYMES, III**

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