

SUMMONS

(Civil Action)

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


WALEED HAMED,)
WAHEED HAMED,)
MUFEED HAMED, and)
HISHAM HAMED,)
)
) Plaintiffs,)
)
)
) v.)
)
) MAHER ("MIKE") YUSUF,)
)
)
) Defendant.)

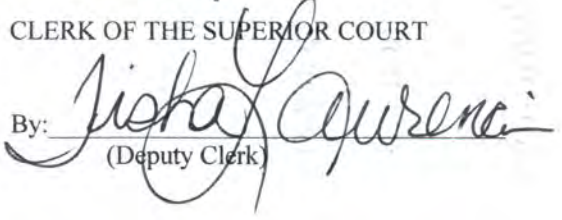
Case No. SX-17-CV- 15
ACTION FOR DAMAGES
JURY TRIAL DEMANDED

TO: Maher ("Mike") Yusuf
ADDRESS: Seaside Market & Deli, 2001 Mt. Welcome Road, Christiansted, VI 00820

Within the time limited by law (see note below) you are hereby required to appear before this Court and file an answer to a complaint filed against you in this action. In the event that you fail to appear or answer, judgment by default will be taken against you as demanded in the Plaintiff's Complaint, a copy of which has been served upon you together herewith.

Witness my hand and Seal of this Court this 20th day of January, 2017.


Attorney for the Plaintiff
Mark W. Eckard (VI Bar No. 1051)
5030 Anchor Way
Christiansted, VI 00820

CLERK OF THE SUPERIOR COURT
By: 
(Deputy Clerk)

NOTE: The defendant, if served personally, is required to file his answer or other defense with the Clerk of this Court, and to serve a copy thereof upon the plaintiff's attorney within twenty (20) days after service of this Summons, excluding the date of service. The defendant, if served by publication or by personal service outside of the jurisdiction, is required to file his answer or other defense with the Clerk of this Court, and to serve a copy thereof upon the attorney for the plaintiff within thirty (30) days after the completion of the period of publication or personal service outside of the jurisdiction.

RETURN OF SERVICE

I, hereby certify that I received this summons on the 20 day of January, 2017, and that thereafter, on the 20 day of January, 2017, I did serve the same on the above-named defendant, MAHER MIKE YUSUF by showing him this original and be then delivering to him a copy of the complaint and summons which were forwarded to me attached thereto.


Marshal

Deputy

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

WALEED HAMED,
WAHEED HAMED,
MUFEED HAMED, and
HISHAM HAMED

Plaintiff,

v.

MAHER ("MIKE") YUSUF
Defendant.

CASE NO. SX-17-CV-15

ACTION FOR DAMAGES

AFFIDAVIT OF PROCESS SERVER

TERRITORY OF THE U.S. VIRGIN ISLANDS)
JUDICIAL DIVISION OF ST. CROIX)

ss:

I, ANTONIO MESSER, being duly sworn according to law upon my oath depose and state:

1. That I am a citizen of the United States and a resident of St. Croix Virgin Islands and I am a process server duly appointed by the Courts of the Virgin Islands.

2. That I received copies of: **Summons and Complaint**

RECEIVED: **January 20, 2017**

SERVED: **January 20, 2017**

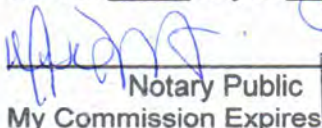
PERSON SERVED: **Maher ("Mike") Yusuf**

PLACE SERVED: **Seaside Market & Deli, 2001 Mt. Welcome Road, Christiansted, St. Croix, USVI**

3. That such service was personally made by delivering to and leaving with the person, who was properly identified to be the person mentioned and described in said process or authorized according to law to receive such process true copies of the above mentioned document(s).


ANTONIO MESSER

SUBSCRIBED AND SWORN to before me
On this 20 day of January, 2016.


Notary Public
My Commission Expires:

MALINDA K. VIGILANT
Notary Public
St. Croix, U.S. Virgin Islands
NP-118-15
My Commission Expires Oct. 21, 2019

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



WALEED HAMED,)	
WAHEED HAMED,)	Case No. SX-17-CV- <u>15</u>
MUFEED HAMED, and)	
HISHAM HAMED,)	Action for Damages and Civil
)	Stalking Protective Order
Plaintiffs,)	
)	JURY TRIAL DEMANDED
v.)	
)	
MAHER ("MIKE") YUSUF,)	
)	
Defendant.)	

VERIFIED ORIGINAL COMPLAINT

Waleed Hamed, Waheed Hamed, Mufeed Hamed and Hisham Hamed (collectively, the "Hameds") file this Verified Original Complaint against Defendant Maher ("Mike") Yusuf and state as follows:

PRELIMINARY STATEMENT

1. The Hameds seek an award of compensatory and punitive damages against Mike Yusuf for (i) civil assault involving a deadly weapon or, in the alternative, for negligence as to those same acts and (ii) emotional distress. Also, pursuant to 5 V.I.C. Part VI, Ch. 101, the Hameds seek a temporary and permanent order restraining Mike Yusuf from (i) harassing, stalking or threatening any of the Hameds; (ii) being within five hundred feet (500') of any of the Hameds; and (iii) entering into or upon any of the Hameds' places of business, places of employment or residences.

2. Mike Yusuf and the Hameds, and their respective families, are involved in multi-case civil litigation involving tens of millions of dollars -- the essence of which is that Mike Yusuf and his father attempted to steal the Hamed family's half of the Plaza Extra Partnership

and lost – and now the stores and all assets are being divided 50/50 between the two families.

See **EXHIBIT 1** attached hereto (April 25, 2013 Preliminary Injunction in Hamed v. Yusuf).

3. In April 2013, Mike Yusuf was publicly humiliated after being examined before Judge Douglas Brady in an evidentiary hearing. When questioned about stealing more than \$2.7 million from the partnership account in that litigation, he was caught in cross-examination, lying in open court regarding the locations and use of the funds he stole. The Judge described the perjury in his Opinion. See Exhibit 1. Over the period from that April 2013 decision until February 27, 2015, the Yusuf family suffered further humiliating losses as that Court progressively awarded the Hameds half of the control and assets of the partnership -- while noting the Yusufs' lies and theft.

4. As there were more unfavorable decisions for the Yusufs, Mike Yusuf began committing gratuitous, irrational and increasingly violent acts -- threatening battery against the Hameds or in the Hameds' presence – all intended to intimidate and retaliate against the Hameds for the litigation. On February 27, 2015, the Hameds won a significant, final legal victory in the Supreme Court of the Virgin Islands which was the “last straw” in effectively ending the Yusuf family's attempt to steal the partnership's assets from the Hamed family.

5. On February 27, 2015, a drunken Mike Yusuf repeatedly stalked and tried to engage with the Hameds at several locations. Each time the Hameds disengaged and left. At the third such location, Mike Yusuf confronted the Hameds yelling about the court's decision, tried to start a physical altercation and then – with this captured on video by a bystander – pointed a loaded, semi-automatic Glock 40 caliber handgun at Waheed (“Willie”) Hamed. Mike Yusuf (1) drunkenly pulled out his handgun, (2) chambered a round, (3) pointed the loaded handgun at the Hameds, (4) activated the gun's laser targeting system, (5) put his finger on the trigger, and (5)

placed the "red dot" of the gun's laser squarely in the middle of Plaintiff Willie Hamed's torso – despite the fact that a female acquaintance of both the Hameds and Yusufs was videotaping the scene and repeatedly screaming: "Mike put the gun down!" Mike Yusuf refused to holster his gun, waved it around drunkenly at the Hameds, loudly making the sound "pow, pow" repeatedly -- and further threatening the Hameds until the police arrived.

6. The Hameds have been interviewed by the Virgin Islands Police Department about Mike Yusuf's behavior on February 27, 2015. While the Hameds have continued to be terrified by the continuing threat of Mike Yusuf's next drunken (or sober) irrational, violent episode, they have held off filing a civil action so as to avoid interfering with VIPD's investigation. However with more heated litigation about to reach its climax because of the recent final claims submissions and the impending running of the two year period of limitations, the Hameds must now seek civil protective relief pursuant to 5 V.I.C. § 1471, *et seq.*

JURISDICTION and VENUE

7. This Court has jurisdiction over this matter pursuant to 4 V.I.C. § 76(a).

8. Venue is appropriate in the Division of St. Croix pursuant to 4 V.I.C. § 78(a) because the acts, events and occurrences described herein occurred on the island of St. Croix and because Mike Yusuf and three of the Hameds reside on St. Croix.

PARTIES

9. Plaintiff Waleed ("Wally") Hamed is an adult individual and resident of the island of St. Croix.

10. Plaintiff Waheed ("Willie") Hamed is an adult individual and resident of the island of St. Thomas.

11. Plaintiff Mufeed (“Mafi”) Hamed is an adult individual and resident of the island of St. Croix.

12. Plaintiff Hisham (“Shawn”) Hamed is an adult individual and resident of the island of St. Croix.

13. Defendant Maher (“Mike”) Yusuf is an adult individual and resident of the island of St. Croix.

FACTUAL BACKGROUND

14. The Superior Court of the Virgin Islands (Brady, J.) has found that in 1986, the Hameds’ father, Mohammad Hamed, entered into a partnership with Mike Yusuf’s father, Fathi Yusuf, for the ownership and operation of the Plaza Extra Supermarkets, consisting of (i) “Plaza West,” in Estate Plessen, St. Croix; (ii) “Plaza East” in Estate Sion Farm, St. Croix; and (iii) “Plaza Tutu” in Estate Tutu, St. Thomas (collectively, the “Plaza Extra Partnership”).

15. In that opinion, the Court also found that in late 2012, after 25 years of successful operations of the Plaza Extra Partnership, Mike Yusuf and his father, Fathi Yusuf, attempted to steal Mohammad Hamed’s 50% of the partnership – worth millions of dollars. The Court found that in furtherance of that theft:

15.1. Mike Yusuf and his father, Fathi Yusuf, created a fiction that the Plaza Extra Partnership was owned by a Yusuf family corporation (“United Corp.”) and that, therefore, neither the Hameds nor their father, Mohammad Hamed, had any interest in the Plaza Extra Partnership.

15.2. In legal papers in the Superior Court and argument before the V.I. Supreme Court, Mike Yusuf and his father, Fathi Yusuf, described the Hameds’ father,

Mohammad Hamed, as an illiterate back room employee who, at best, had an “annuity” arising out of the partnership;

15.3. In late 2012, Mike Yusuf and his father, Fathi Yusuf, stole \$2.7 million in cash from the Partnership account (see Exhibit 1 at ¶ 35);

15.4. In early 2013, Mike Yusuf and his father, Fathi Yusuf tried to have the police physically remove the Hameds from the Plaza East store and have the Hameds falsely arrested as “trespassers” on store property after the Hameds’ father, Mohammad Hamed, filed civil lawsuit to assert his half of the Plaza Extra Partnership and recover the stolen \$2.7 million (see Exhibit 1 at ¶ 40);

15.5. In early 2013, Mike Yusuf and his father, Fathi Yusuf, then stole another half million dollars from the partnership account -- to pay the Yusuf Family’s attorneys in the inter-family litigation against the Hamed family -- while locking the Hameds and their father out of those accounts (see Exhibit 1 at ¶ 38) and;

15.6. Mike Yusuf and his father, Fathi Yusuf, attempted to wrongfully discharge a long-time integral administrative employee at Plaza Extra East, merely because she was a witness to certain of the Yusufs’ wrongful acts (see Exhibit 1 at ¶ 38).

16. On April 25, 2013, in response to the Hameds’ father’s request for an injunction to protect his half of the Plaza Extra Partnership and two days of evidentiary hearings, Judge Douglas Brady issued a preliminary injunction (Exhibit 1) against Mike Yusuf’s father, Fathi Yusuf and the Yusuf Family’s company, United Corp. (the “Preliminary Injunction”) finding, among other things, the following:

16.1. Finding of Fact No. 36, stated that Mike Yusuf lied on the witness stand at one of the hearings as to what had been done with the approximately \$2.7 million he and his

father had stolen from the partnership account, and on cross-examination on a later date, he was caught committing perjury as to where those funds were and what had been done with them. The court, referencing the hearing transcript, found, at paragraph 36:

On the first hearing day, Mahar Yusuf, President of United Corporation testified under oath that he used the \$2,784,706.25 withdrawn from the Plaza Extra operating account to buy three properties on St. Croix in the name of United. On the second hearing day, Mahar Yusuf contradicted his prior testimony and admitted that those withdrawn funds had actually been used to invest in businesses not owned by United, including a mattress business. . . .Tr. 250:2–251:15, Jan. 25, 2013; Tr. 118:12–120:2, Jan. 31, 2013. (Emphasis added.)

See Exhibit 1 at ¶ 36.

16.2. Finding of Fact No. 38, stated that Mike Yusuf's father, Fathi Yusuf, had stolen \$145,000 (which eventually increased to \$500,000) from the partnership account to pay their lawyers *in the litigation against the Hameds*:

Funds from supermarket accounts have also been utilized unilaterally by Yusuf, without agreement of Hamed, to pay legal fees of [Fathi Yusuf and the Yusuf Family's company, United Corp.] relative to this action and the Criminal Action, in excess of \$145,000 to the dates of the evidentiary hearing. *Tr. 76:5–82:9, Jan. 25, 2013; Pl. Exhibit 15, 16*

See Exhibit 1 at ¶ 38.

16.3. Findings of Fact Nos. 39 and 40, stated that (i) Mike Yusuf and his father, Fathi Yusuf, threatened the Hameds and a witness (a long-time integral administrative employee in the evidentiary hearing against Fathi Yusuf and the Yusuf Family's company, United Corp.); (ii) called the police in an attempt to have the Hameds falsely arrested and removed from Plaza East; and (iii) threatened to close Plaza East:

Since at least late 2012, Yusuf has threatened to fire Hamed family managers and to close the supermarkets. *Tr. 149:20–150:22; 158:18–159:12; 253:25–254:19, Jan. 25, 2013.*

On January 8, 2013, Yusuf confronted and unilaterally terminated 15 year accounting employee Wadda Charriez for perceived irregularities relative to her timekeeping records of her hours of employment, threatening to report her stealing if she challenged the firing or sought unemployment benefits at Department of Labor, *Tr. 181:20–185:16, Jan. 25, 2013*. . . . On Charriez' January 9, 2013 return to work, Yusuf started screaming at her, and told her to leave or he would call the police. *Tr. 186:9–187:1, Jan. 25, 2013*. Yusuf did call police and demanded on their arrival that Charriez, and Mufeed Hamed and Waleed Hamed be removed from the store, and threatened to close the store. *Tr. 93:5–94:15; 164:19–165:18; 187:5–188:8, Jan. 25, 2013*.

See Exhibit 1 at ¶ 39 and 40.

16.4. Conclusion of Law No. 22, stated that Mike Yusuf's father, Fathi Yusuf, had "deprived [the Hameds' father, Mohammad Hamed] of his rights to equal participation in the management and conduct of the business" See Exhibit 1 at Conclusion of Law No. 22.

16.5. Conclusion of Law No. 22 also stated that Plaintiffs' father, Mohammad Hamed, "ha[d] met his burden of establishing irreparable injury if injunctive relief [was] not granted." See Exhibit 1 at Conclusion of Law No. 22.

17. As the result of its *Findings of Fact and Conclusions of Law*, the Court ordered as follows:

17.1. that "[t]he operations of the three Plaza Extra Supermarket stores shall continue. . . without unilateral action by either party, or representative(s), affecting the management, employees, methods, procedures and operations." See Exhibit 1 at ¶ 38. at Conclutory Order No. 1.

17.2. that "[n]o funds will be disbursed from supermarket operating accounts without the mutual consent of Hamed and Yusuf (or designated representative(s))." See Exhibit 1 at ¶ 38. at Conclutory Order No. 2.

17.3. that “[a]ll checks from all Plaza Extra Supermarket operating accounts will require two signatures, one of a designated representative of Hamed and the other of Yusuf or a designated representative of Yusuf.” See Exhibit 1 at ¶ 38. at Conclusory Order No. 3.

18. Fathi Yusuf and the Yusuf Family’s corporation, United Corp., appealed the Preliminary Injunction to the Supreme Court of the Virgin Islands. On September 30, 2013, the Supreme Court found against the Yusufs and upheld the Preliminary Injunction, stating as follows:

on August 15, 2012, [Fathi Yusuf] wrote a check for \$2,784,706.25 to himself and his son Mahar Yusuf from one of Plaza Extra’s operating accounts over the written objections of Waleed Hamed. Mahar Yusuf, who is also the president of United Corporation, later provided conflicting testimony as to what United did with these funds.

Yusuf v. Hamed, 59 V.I. 841, 845 (V.I. September 30, 2013).

19. Thus, by September 2013, Mike Yusuf had been found by both the Superior Court of the Virgin Islands *and* the Supreme Court of the Virgin Islands, to be a thief and a liar. More specifically, he had been found to have acted in concert with his father, Fathi Yusuf, to steal \$2,784,706.25 and another \$500,000 of the cash from the Plaza Extra Partnership’s accounts – and lie under oath on the witness stand about it.

20. Even in the face of the Court’s findings as set forth in the Preliminary Injunction and the Supreme Court’s affirmance of the Preliminary Injunction and of the Superior Court’s findings, Fathi Yusuf and the Yusuf Family’s company, United Corp., continued to deny the existence of the Plaza Extra Partnership, stating that the partnership was owned solely by United Corp. (which is owned entirely by one or more members of the Yusuf Family.)

21. However, after being confronted with increasingly negative legal decisions, on April 7, 2014, Fathi Yusuf finally – despite years of shamefully creative arguments to the

contrary – **admitted** in a filing with this Court, that the business of the Plaza Extra Supermarkets had always been owned and operated by the Plaza Extra Partnership, finally conceding as follows: “[Fathi Yusuf] now concedes for the purposes of this case that he and Hamed entered into a partnership to carry on the business of the Plaza Extra Stores and to share equally the net profits from the operation of the Plaza Extra Stores.” *See Memorandum in Support of Motion to Appoint Master for Judicial Supervision of Partnership Winding Up or, in the Alternative, to Appoint Receiver to Wind Up Partnership*, filed by Fathi Yusuf and United Corp., April 7, 2014.

22. With Fathi Yusuf and the Yusuf family’s company, United Corp. now having admitted Mohammad Hamed’s half ownership and control of the Plaza Extra Partnership, the Court entered summary judgment against Fathi Yusuf and the Yusuf family’s corporation, United Corp. on November 7, 2014, as follows:

the Court finds and declares that a partnership was formed in 1986 by the oral agreement between Plaintiff and Yusuf for the ownership and operation of the three Plaza Extra Stores, with each partner having a 50% ownership interest in all partnership assets and profits, and 50% obligation as to all losses and liabilities; and it is further

ORDERED that Plaintiff may properly maintain this action against Yusuf for legal and equitable relief to enforce his rights under the parties’ partnership agreement and the Uniform Partnership Act.

See **Exhibit 2**, Order (granting the Hamed’s *Motion for Partial Summary Judgment*) (the “November 7, 2014 Judgment”).

23. As a consequence of the Court’s November 7, 2014 Judgment, the Court began the process of splitting up the stores and property on a 50/50 basis. The Hameds’ father, Mohammad Hamed, would ultimately take sole ownership of two stores, Plaza West and Plaza Tutu and Fathi Yusuf took ownership of one store, Plaza East. The combined value of the cash

and businesses at that time exceeded \$100 million – **so this was an attempted theft of more than \$50 million.**

24. Soon after entry of the Court’s November 7, 2014 Judgment, Mike Yusuf entered the “Security Room” room at the Plaza East Supermarket and repeatedly – violently – kicked a refrigerator, breaking the front glass. Mike Yusuf was visibly drunk when he entered and destroyed the refrigerator.

25. Soon after entry of the Court’s November 7, 2014 Judgment, Mike Yusuf attempted to kill or, at the very least, terrorize Plaintiff Hisham (“Shawn”) Hamed by driving a forklift at full speed into a truck container – aiming at Plaintiff Shawn Hamed, who had just entered.

26. Soon after entry of the Court’s November 7, 2014 Judgment, Mike Yusuf, smelling of alcohol, stuck out his foot to trip Plaintiff Shawn Hamed as Hamed began to walk down the steep stairs between the upstairs office and the ground floor at Plaza West.

27. In 2015, the Yusuf family’s legal losses in the litigation continued. In furtherance the transfer of Plaza West to the Hameds father, the company that owns the ground underlying the Plaza West store (Plessen Enterprises, Inc.) had entered into a lease (the “Plaza West Lease”) with a company created by the Hameds for the operation of Plaza West. Plessen Enterprises, Inc. was and continues to be half-owned (“50/50”) by the Hameds and members of the Yusuf Family.

28. Fathi Yusuf vehemently challenged the validity of the Hamed’s Plaza West Lease. This lease was upheld by Judge Brady.

29. Thus, the Yusuf's "last ditch effort" to stop the transfer of the stores was an appeal of that Plaza West Lease decision to the V.I. Supreme Court. The Supreme Court could have stopped the entire dissolution process.

30. While that appeal was pending, on January 9, 2015, Judge Brady entered a final "*Winding Up Order*," which directed the division of the Plaza Extra Partnership's stores and other partnership property 50/50 to the Hameds and Yusufs and actually began the process of assigning stores to the parties.

31. When that Winding Up Order was entered, on or about January 9, 2015, Mike Yusuf threatened the Hameds and stated that they would "never get away with the stores just because the Court said so."

32. A month and a half later, on February 27, 2015, the final straw came – the Yusufs' last ditch effort to stop the process failed when the Virgin Islands Supreme Court upheld the lower court's approval of the Plaza West Lease – clearing the way for the final breakup and actual transfer of the stores.

33. The result of the Supreme Court's February 27, 2015 decision was that Mike Yusuf and his father, Fathi Yusuf, would no longer be able to stop the turnover of one-half of the Plaza Extra Partnership and the West Store to the Hameds' father, Mohammad Hamed. That division was scheduled to proceed immediately.

34. **On the night of that crushing defeat for the Yusufs, February 27, 2015, Mike Yusuf repeatedly stalked, harassed and eventually violently confronted and threatened the Hameds in a drunken rage.** He pulled out his Glock 40 pistol and pointed it at Plaintiff Waheed ("Willie") Hamed. Mike Yusuf then methodically turned on the red "laser dot" of the pistol's targeting system -- "painting" the dot on Willie Hamed's chest -- with a round

chambered and his finger on the trigger. The events of the night of February 27, 2015 make clear that Mike Yusuf followed, stalked and actively sought out the Hameds for the purpose of instigating a deadly confrontation, as follows:

34.1. At approximately 10:00 p.m., as Plaintiffs Willie Hamed and Mufeed (“Mafi”) Hamed were parking their car on Company Street in Christiansted Town, Mike Yusuf pulled up in his car, accompanied by a man known to function as some sort of “body guard” for Mike Yusuf.

34.2. Mike Yusuf jumped out of his car and called out to Willie Hamed, who has lived on St. Thomas for at least a decade and spends almost no time on St. Croix.

34.3. Having not seen Mike Yusuf for a long time, Willie Hamed offered his hand to Mike Yusuf and asked how Mike Yusuf was doing.

34.4. In response, Mike Yusuf angrily said, “What are you doing – are you over here to celebrate? You think you got it?”

34.5. Mike Yusuf began to say that the court decision that day “would not get them the stores” and threatened Willie and Mafi Hamed. It was obvious to both Willie Hamed and Mafi Hamed that Mike Yusuf had been drinking, both from his demeanor and his breath. Therefore the two Hameds immediately disengaged and left.

34.6. Soon thereafter, Willie and Mafi Hamed met up with Plaintiffs Waleed (“Wally”) Hamed and Shawn Hamed as well as two other people inside Martini’s, a night club on Company Street in Christiansted Town.

34.7. They were there to celebrate the legal victory that day.

34.8. Moments after everyone arrived inside Martini's, a clearly drunk Mike Yusuf entered Martini's and made a spectacle of himself as he acted out an exaggerated production of videotaping the Hameds with his cellphone.

34.9. Sensing trouble and not wanting to get into a confrontation with Mike Yusuf, the Hameds and the others with them immediately left Martini's.

34.10. The Hameds then went to Morena Bar in the Water Gut section of Christiansted.

34.11. When the Hameds walked outside of the Morena Bar, having decided to all go home early because they all had work the next morning, they briefly stood in the parking lot saying their goodbyes.

34.12. As the Hameds and those with them were standing in the parking lot outside of Morena Bar, they noticed Mike Yusuf's car first driving by at high speed up Water Gut Road, then stop and turn around -- and finally drive at high speed into the parking lot of Morena Bar -- slamming to a halt near where the Hamed party was standing.

34.13. Mike Yusuf jumped out of his car and, again, made a spectacle of himself holding up his smart phone as if video recording them.

34.14. When the Hameds refused to react, Mike Yusuf then walked over to Wally Hamed, putting his face within inches of Wally Hamed's face.

34.15. Mike Yusuf launched into a drunken, abusive verbal tirade against Wally Hamed and the Hamed family regarding the fact that regardless of what the court said, they would not get the stores and that he would stop them, still with his face within inches of Wally Hamed's face. His spittle was landing on Wally Hamed's face.

34.16. When Wally Hamed didn't react, Mike Yusuf then used his hands to push Wally Hamed back

34.17. Plaintiff Wally Hamed recovered and in straightening up, his chest bumped Mike Yusuf back from Wally Hamed's face.

34.18. Plaintiff Willie Hamed then rushed over to where Mike Yusuf was standing and attempted to get between them – and began telling Mike Yusuf to leave his brother alone.

34.19. When Mike Yusuf again moved toward Wally Hamed, Willie Hamed attempted to wrap his arms around Mike Yusuf from behind in a brief bear hug to stop his advance.

34.20. As Plaintiff Willie Hamed was releasing Mike Yusuf from his grasp, Mike Yusuf fell to the ground.

34.21. The Hameds and the others backed away from Mike Yusuf, all the while asking Mike Yusuf repeatedly to please stop.

34.22. As the Hameds were backing away, Mike Yusuf slowly and methodically made a show of pulling out his gun. He then turned on the gun's laser targeting system, held up his gun and pointed the gun at Willie Hamed's chest, with the red "laser dot" squarely in the middle of Plaintiff Willie Hamed's chest.

34.23. Mike Yusuf said repeatedly: "I'm gonna kill you...I'm gonna blow off your head."

34.24. Upon seeing Mike Yusuf with his gun out, with a "laser dot" trained on Plaintiff Willie Hamed's chest, a mutual acquaintance of the Hameds and Yusufs began repeatedly screaming for Mike Yusuf to, "Mike, please, put the gun away."

34.25. When this did not work, to try to discourage Mike Yusuf from shooting a man with nothing in his hands, she began to videotape the scene -- and on that tape can be heard repeatedly screaming: “Mike, put the gun away.....Mike, please put the gun away.”

34.26. With the assault now being filmed, eventually, Mike Yusuf stopped aiming the gun at Willie Hamed.

34.27. However, despite repeated requests to “put away” his gun, Mike Yusuf refused to holster his gun.

34.28. Instead, he then continued to hold it in his hand, occasionally drunkenly waving it around.

34.29. The VI Police Depart was called by a bystander, and arrived on the scene. A witness there said repeatedly to the police [about Mike Yusuf]: “That man pulled a gun – he pulled a gun and was gonna kill them.....and you gotta arrest him....”

COUNT I: ASSAULT

35. Each of the foregoing allegations is incorporated as though fully set forth herein.

36. Mike Yusuf’s acts were intended to cause the Hameds to apprehend imminent harmful contact, including fear of imminent death.

37. Mike Yusuf had the clear, immediate and highly apparent ability to carry out that imminent harmful contact.

38. Mike Yusuf’s acts did, in fact, cause the Hameds to apprehend imminent harmful contact, including fear of imminent death.

39. As the result of Plaintiff’s acts described herein, the Hameds suffered severe emotional distress at the time of the incident.

COUNT II: NEGLIGENCE

40. Each of the foregoing allegations is incorporated as though fully set forth herein.

41. In the alternative, Mike Yusuf's acts even if not intended to cause the Hameds to apprehend imminent harmful contact or death because his drunken state left him unable to form legal intent, did so.

42. Mike Yusuf, like all persons, owes a duty to other members of the public not to become so drunk that he is unable to avoid causing imminent apprehension of battery by those members of the public.

43. As members of the public, the Hameds were owed that duty by Mike Yusuf.

44. Mike Yusuf failed in that duty and did cause the above described to happen to the Plaintiffs.

45. As the result of Mike Yusuf's negligent acts described herein, the Hameds suffered the apprehension of a battery and distress at the time of the incident.

COUNT III: INFLICTION OF EXTREME EMOTIONAL DISTRESS

46. Each of the foregoing allegations is incorporated as though fully set forth herein.

47. Mike Yusuf's acts described herein were extreme and outrageous.

48. Mike Yusuf's acts described herein were calculated to cause the most severe possible emotional distress -- beyond any acceptable norms of behavior.

49. Mike Yusuf's acts described herein recklessly caused the most severe possible emotional distress -- beyond any acceptable norms of behavior.

50. Mike Yusuf's acts did cause the most severe possible emotional distress -- beyond any acceptable norms of behavior.

51. No claim is made for ongoing physical or psychological injuries.

**COUNT IV: TEMPORARY AND PERMANENT RELIEF
PURSUANT TO 5 V.I.C. §§ 1474(a) and 1475**

52. Each of the foregoing allegations is incorporated as though fully set forth herein.

53. Mike Yusuf has purposely followed each of the Hameds.

54. Mike Yusuf has engaged in a course of conduct with the intent of annoying or placing each of the Hameds in fear of death or bodily harm or injury and causing each of the Hameds emotional distress.

55. Mike Yusuf has made explicit threats against each of the Hameds with the intent and apparent ability to carry out such threats, so as to cause the Hameds to reasonably fear for their personal safety and the safety of each other.

56. Mike Yusuf has engaged in a knowing and intentional course of conduct directed at each of the Hameds which alarms, annoys, torments and terrorizes each of the Hameds and would cause a reasonable person to suffer emotional distress.

57. After stealing from the Hameds and then lying to the court on the witness stand about it, Mike Yusuf repeatedly has stated that he would not accept the results of the Court's decisions and threatened retaliation against the Hameds in the future. More such negative court decisions for the Yusufs may be upcoming in litigation between the parties -- as recently as the past months, the Yusufs have been forced to dismiss litigation brought against the Hameds.

58. A sober Mike Yusuf is patently a clear and deadly threat to the Hameds', their customers, their businesses, their families and their property as long as the Hamed/Yusuf litigation continues -- and Mike Yusuf must be enjoined from further stalking, harassing or threatening any of the Hameds. Moreover, given Mike Yusuf's obvious penchant for gun play, Mike Yusuf must be enjoined from coming within, at least, a 500' radius of any of the Hameds or any of the Hameds' families.

WHEREFORE, the Hameds, and each of them, respectfully request that the Court:

- (i) enter a temporary order pursuant to 5 V.I.C. § 1474(a) and a permanent order pursuant to 5 V.I.C. § 1475:
- restraining Mike Yusuf or anyone acting on behalf of Mike Yusuf from following, harassing by personal, telephonic, or computerized contact, or by any other form of communication any of the Hameds;
 - restraining Mike Yusuf or anyone acting on behalf of Mike Yusuf from abusing, molesting, or interfering with the privacy rights of any of the Hameds;
 - restraining Mike Yusuf or anyone acting on behalf of Mike Yusuf from entering in or upon any of the Hameds' places of business, places of employment and/or residences or property;
 - restraining Mike Yusuf from being within FIVE HUNDRED (500') from any of the Hameds; and
- (ii) award to the Hameds compensatory and punitive damages as they may appear at trial; and
- (iii) grant to each of the Hameds such other and further relief as is just and proper.

PLAINTIFFS DEMAND TRIAL BY JURY AS TO COUNTS I, II and III.

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Respectfully submitted,

HAMM ECKARD, LLP

Dated: January ~~19~~²⁰, 2017

By: 

Mark W. Eckard (VI Bar No. 1051)
5030 Anchor Way, Suite 13
Christiansted, VI 00820-4692
Telephone: (340) 773-6955
Facsimile: (855) 456-8784
Email: meckard@hammeckard.com

Counsel to for Waleed Hamed, Waheed Hamed,
Mufeed Hamed and Hisham Hamed

VERIFICATION

We, the undersigned, do hereby affirm and verify that we have carefully read the Complaint and that based upon reasonable inquiry, the allegations set forth above are true and correct to the best of each of our information, knowledge and belief.

Dated: January, ~~20~~²⁰ 2017.



Waleed Hamed

Waheed Hamed

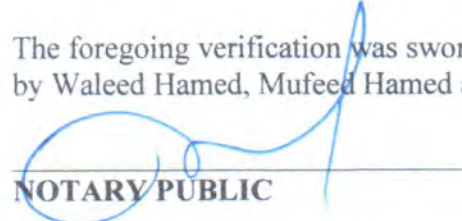


Mufeed Hamed



Hisham Hamed

The foregoing verification was sworn to and subscribed before me this 20 day of January, 2017 by Waleed Hamed, Mufeed Hamed and Hisham Hamed.



NOTARY PUBLIC

The foregoing verification was sworn to and subscribed before me this 20 day of January 2017 by Waheed Hamed.

NOTARY PUBLIC

Respectfully submitted,

HAMM ECKARD, LLP

Dated: January 19, 2017

By:


Mark W. Eckard (VI Bar No. 1051)
5030 Anchor Way, Suite 13
Christiansted, VI 00820-4692
Telephone: (340) 773-6955
Facsimile: (855) 456-8784
Email: mekcard@hammeckard.com

Counsel to for Waleed Hamed, Waheed Hamed,
Mufeed Hamed and Hisham Hamed

VERIFICATION

We, the undersigned, do hereby affirm and verify that we have carefully read the Complaint and that based upon reasonable inquiry, the allegations set forth above are true and correct to the best of each of our information, knowledge and belief.

Dated: January, __ 2017.

Waleed Hamed



Waheed Hamed

Mufeed Hamed

Hisham Hamed

The foregoing verification was sworn to and subscribed before me this 19TH day of January, 2017 by Waleed Hamed, Mufeed Hamed and Hisham Hamed.


NOTARY PUBLIC

The foregoing verification was sworn to and subscribed before me this 19TH day of January 2017 by Waheed Hamed.


NOTARY PUBLIC

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

WALEED HAMED, WAHEED
HAMED, MUFEED HAMED, and
HISHAM HAMED

Petitioner,

v.

MAHER ("MIKE") YUSUF

Respondent.

Civil No. _____

14 V.I.C. CH.I, Subchapter VIII

5 V.I.C. Part VI, Ch.101

14 V.I.C. Section 2071

**VERIFIED PETITION FOR PROTECTION ORDER
AGAINST HARASSMENT and/or STALKING**

I, Waleed Hamed, Waheed Hamed, Mufeed Hamed and Hisham Hamed (collectively, the "Hameds")
(Petitioner or Parent/Guardian on behalf of Minor)

file this Complaint against Mahe ("Mike") Yusuf ("Mike") who
(Respondent)

resides at _____, St. Croix, VI
(Respondent's Home Address)

and works at Seaside Market & Deli, whose physical
(Respondent's Work Address)

description is 2001 Mt. Welcome Road, Christiansted, VI 00820.

** Petitioner must give their address and contact information to the Clerk of the Court at the time the Petition is filed.*

2. Pursuant to 14 V.I.C. Chapter 1; Subchapter VIII (Act Number 7799), and/or 5 V.I.C. Part VI, Ch.101; 14 V.I.C. Section 2071 (Act Number 7744)

I request the following temporary relief: *(Check one or more)*

- An Order restraining Respondent, or others acting on Respondent's behalf, from harassing and/or stalking me.
- An Order directing Respondent, or others acting on Respondent's behalf, from following me, harassing me by personal, telephonic or computerized contact or from having any other form of communication or contact with me.
- An Order restraining the Respondent or others acting on Respondent's behalf, from abusing, sexually abusing, stalking, molesting or threatening me.
- An Order restraining Respondent, or anyone acting on Respondent's behalf, from entering upon my property, residence or place of employment or within fifty (50) feet thereof.
- An Order directing the Respondent to pay me for losses suffered as a result of the harassment or abuse.

3. Within the past year, I have been a victim of harassment as defined in 14 V.I.C. Chapter 1, Subchapter VIII, and/or stalking as defined in 14 V.I.C. Section 2071; including one or more of the following acts by the Respondent or others acting on Respondent's behalf: *(Check all that apply)*

- | | |
|--|--|
| <input checked="" type="checkbox"/> Repeatedly following me | <input type="checkbox"/> Repeatedly called my home telephone |
| <input checked="" type="checkbox"/> Made verbal threats | <input type="checkbox"/> Repeatedly called my work telephone |
| <input type="checkbox"/> Made written threats | <input type="checkbox"/> Repeatedly called or texted my cellphone |
| <input type="checkbox"/> Contacted or threatened me via social media | <input type="checkbox"/> Entered my property or residence uninvited |
| <input checked="" type="checkbox"/> Loitered around my workplace | <input type="checkbox"/> Loitered around my property |
| <input checked="" type="checkbox"/> Caused me loss of earnings | <input checked="" type="checkbox"/> Caused property damage |
| <input checked="" type="checkbox"/> Caused me emotional distress | <input type="checkbox"/> Caused me to incur medical expenses due to the harassment |
| <input type="checkbox"/> Damaged locks | <input checked="" type="checkbox"/> Caused me to incur legal fees |
| <input type="checkbox"/> Caused me to obtain an unlisted phone number | <input checked="" type="checkbox"/> Caused me fear or to be intimidated |
| <input type="checkbox"/> Sexually harassed by verbal or physical abuse | |

4. My reason(s) for filing this Petition is/are: (State all reasons and specify the DATES and ACTIONS of the Respondent which cause you to file this Petition.)

On or around November 7, 2014, Mike drove a forklift at full speed into a truck container in which Shawn Hamed was inside.

On or around November 7, 2014, Mike stuck out his foot to trip Shawn Hamed down a steep flight of stairs.

On or around January 9, 2015 Mike threatened the Hameds saying they would never get away with the stores just because the court said so.

February 27, 2015 Mike confronted and threatened Willie Hamed and Mufeed Hamed in Christiansted while they were parking their car, later that night he followed the Hameds into Martini's and again threatened the Hameds and began video taping them. The Hameds eventually left to get away from Mike and went to Morena Bar.

Mike later went to Morena Bar, driving by the parking lot at high speeds where the Hameds and friends were standing. He then stopped, got out of the car and started to again videotape and confront Wally Hamed and began to push him, Willie Hamed went over to restrain Mike and told him to leave his brother alone and released Mike to the ground. As Mike got up he pulled out a gun and pointed it at Waheed Hamed and threatened to kill him. He only relented to put the gun down, but refused to holster it, when someone started filming the incident. He continued to hold the gun in his hand and occasionally, drunkenly wave it around until the police arrived.

Mike was believed to have been drunk during all of these incidents.

5. I understand that at a hearing I must prove what I have said in this Petition by a preponderance of the evidence in order to receive the relief I request. On the day set for Hearing, I will bring all documents, photographs, witnesses and other

evidence necessary to prove any claims. I understand, I have a right to be represented by an attorney at the hearing on this Petition.

WHEREFORE, Plaintiff prays that this Honorable Court:

- (a) Set this matter for hearing within the time fixed by law;**
- (b) Serve a summons together with a copy of this Petition on the Respondent and any other persons the Court believes advisable;**
- (c) Grant the relief requested above; and**
- (d) Grant any additional or alternate relief the Court feels appropriate.**

VERIFICATION

I declare under penalty of perjury that the foregoing information is true and correct to the best of my knowledge and belief.

SEE ATTACHED VERIFICATION

DATED: _____

(Petition's SIGNATURE)

Subscribed and sworn to before me this
____ day of _____, 20__

NOTARY PUBLIC