

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

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

Plaintiff,

v.

**FATHI YUSUF, ISAM YOUSUF and
JAMIL YOUSEF**

Defendants,

and

SIXTEEN PLUS CORPORATION,

a nominal Defendant.

Case No.: 2016-SX-CV-650

**DERIVATIVE SHAREHOLDER
SUIT, ACTION FOR DAMAGES
AND CICO RELIEF**


JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION TO STRIKE YUSUF'S MOTION TO DISMISS THE AMENDED
COMPLAINT AND MEMORANDUM IN SUPPORT THEREOF**

One Defendant, Fathi Yusuf, filed a motion to dismiss pursuant to Rule 12(b)(6) and Rule 19 on January 9, 2017, consisting of 29 pages. Even without the signature page and caption, the motion was in excess of 27 pages. Indeed, while the Plaintiff has now withdrawn two counts, the Motion to Dismiss is still 24 pages excluding the sections dedicated to these two counts.

Under Rule 6, a motion cannot exceed 20 pages without leave of Court. However, no such leave was even sought, much less granted. As such, it is respectfully submitted that the motion should be stricken as being in violation of the rules of this Court. A proposed Order is attached.

Dated: January 20, 2017



Joel H. Holt, Esq. (Bar # 6)
Counsel for Defendants
Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, VI 00820
Email: holtvi@aol.com
Tele: (340) 773-8709
Fax: (340) 773-8677

Carl J. Hartmann III, Esq.
Co-Counsel for Defendants
5000 Estate Coakley Bay, L-6
Christiansted, VI 00820
Email: carl@carlhartmann.com

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of January, 2017, I served a copy of the foregoing by mail and email, as agreed by the parties, on:

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



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

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

Plaintiff,

v.

**FATHI YUSUF, ISAM YOUSUF and
JAMIL YOUSEF**

Defendants,

and

SIXTEEN PLUS CORPORATION,

a nominal Defendant.

Case No.: 2016-SX-CV-650

**DERIVATIVE SHAREHOLDER
SUIT, ACTION FOR DAMAGES
AND CICO RELIEF**

JURY TRIAL DEMANDED

ORDER

This matter is before the Court on the Plaintiff's Motion to Strike Yusuf's Motion to Dismiss the Amended Complaint. Thus, upon consideration of the matters before the Court, it is hereby

ORDERED THAT The Motion Is Granted and The Defendant's Motion to Dismiss the Amended Complaint is hereby STRICKEN

Dated:

HONORABLE ROBERT A. MOLLOY
Judge, Superior Court

ATTEST: ESTRELLA GEORGE
Acting Clerk of Court

By: _____
Deputy Clerk

Dist: Joel H. Holt, Carl Hartmann, Gregory Hodges, Stephen Herpel