

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 RESPONSE TO DEFENDANT
MUFEED HAMED'S SECOND SET OF REQUESTS FOR ADMISSIONS**

Plaintiff, Yusuf Yusuf, through his attorneys, Dudley, Topper and Feuerzeig, LLP,
hereby provides its Responses to Defendant Mufeed Hamed's Second Set of Requests for
Admissions:

GENERAL OBJECTIONS

Yusuf Yusuf makes the following general objections to the Second Set of Requests for Admissions. These general objections apply to all or so many of the Requests for Admissions that, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Requests for Admissions. The assertion of the same, similar, or additional objections in the individual responses to the Requests for Admissions, 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 Requests for Admissions 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 request for admission 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 Requests for Admissions 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 Requests for Admissions 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 Requests for Admissions 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 Requests for Admissions 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 it 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 Requests for Admissions 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 Requests for Admissions will be supplemented to the extent that supplementation may be required by the Federal Rules of Civil Procedure.

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

RESPONSES TO SECOND REQUESTS FOR ADMISSIONS

86. After reviewing 13 V.I.C. § 69 Officers; selection, term, duties which states, in relevant part,

(a) Every corporation organized under this chapter shall have a president, secretary and treasurer, who shall be chosen by the directors. The president shall be chosen from among the directors. **The secretary shall record all the proceedings of the meetings of the corporation and directors in a book to be kept for that purpose**, and perform such other duties that shall be assigned to him. The treasurer may be required to give bond in such sum and with such surety or sureties as shall be provided by the bylaws for the faithful discharge of his duty.

ADMIT or **DENY** that Fathi Yusuf has been, since its inception, the Secretary of Plessen.

RESPONSE:

Admit.

87. **ADMIT** or **DENY** that Fathi Yusuf had in his possession at one time a “record all the proceedings of the meetings of the Plessen corporation and directors in a book to be kept for that purpose”.

RESPONSE:

Admit but further responding shows that the corporate records for Plessen were seized for a number of years and were not in Fathi Yusuf's possession, custody or control.

88. **ADMIT** or **DENY** that at the present time “Fathi Yusuf has in his possession a “record all the proceedings of the meetings of the Plessen corporation and directors in a book to be kept for that purpose”.

RESPONSE:

Admit that Fathi Yusuf has access to the corporate record book of Plessen but denies that it is in his physical possession as same is currently maintained pursuant to the parties agreement at a neutral location in St. Thomas along with other records originally seized by the FBI in 2001.

89. ADMIT or DENY that a Fathi Yusuf had in his possession a "record all the proceedings of the meetings of the Plessen corporation and directors in a book to be kept for that purpose" in 2001.

RESPONSE:

Deny that Fathi Yusuf had possession of the corporate records for Plessen for all of 2001 as the corporate record books for Plessen and other jointly owned businesses were seized in the FBI raid in the later part of 2001.

90. ADMIT or DENY that a Fathi Yusuf had in his possession a "record all the proceedings of the meetings of the Plessen corporation and directors in a book to be kept for that purpose" in 2003.

RESPONSE:

Deny as the corporate records for Plessen and other jointly owned businesses were seized in the FBI raid in the later part of 2001.

91. ADMIT or DENY that Fathi Yusuf had in his possession a "record all the proceedings of the meetings of the Plessen corporation and directors in a book to be kept for that purpose" in 2007.

RESPONSE:

Deny as the corporate records for Plessen and other jointly owned businesses were seized in the FBI raid in the later part of 2001.

92. ADMIT or DENY Fathi Yusuf had in his possession a "record all the proceedings of the meetings of the Plessen corporation and directors in a book to be kept for that purpose" in 2010.

RESPONSE:

Deny as the corporate records for Plessen and other jointly owned businesses were seized in the FBI raid in the later part of 2001.

93. ADMIT or DENY that Fathi Yusuf had in his possession a "record all the proceedings of the meetings of the Plessen corporation and directors in a book to be kept for that purpose" in 2012.

RESPONSE:

Deny as the corporate records for Plessen and other jointly owned businesses were seized in the FBI raid in the later part of 2001.

94. After Reviewing 13 V.I.C. § 73, Duty to maintain business and stock records, which states in relevant part:

Every corporation formed under this chapter shall maintain
(1) correct books of account of its business transactions; and
(2) **a stock ledger in the form prescribed in section 189 of this title, which ledger shall be kept in the principal office of the corporation** in the United States Virgin Islands and Which shall be open daily to any stockholder for inspection at reasonable times.

ADMIT or DENY that Fathi Yusuf had in his possession at one time a stock ledger for Plessen.

RESPONSE:

Admitted.

95. ADMIT or DENY that at the present time "Fathi Yusuf has in his possession a stock ledger.

RESPONSE:

Admit that Fathi Yusuf has access to the corporate record book of Plessen but denies that it is in his physical possession as same is currently maintained pursuant to the parties agreement at a neutral location in St. Thomas along with other records originally seized by the FBI in 2001.

96. ADMIT or DENY that Fathi Yusuf had in his possession a stock ledger in 2001.

RESPONSE:

Deny that Fathi Yusuf had possession of the corporate records for Plessen for all of 2001 as the corporate record books for Plessen and other jointly owned businesses were seized in the FBI raid in the later part of 2001.

97. ADMIT or DENY that a Fathi Yusuf had in his possession a stock ledger in 2003.

RESPONSE:

Deny as the corporate records for Plessen and other jointly owned businesses were seized in the FBI raid in the later part of 2001.

98. ADMIT or DENY that Fathi Yusuf had in his possession a stock ledger in 2007.

RESPONSE:

Deny as the corporate records for Plessen and other jointly owned businesses were seized in the FBI raid in the later part of 2001.

99. ADMIT or DENY that Fathi Yusuf had in his possession a stock ledger in 2010.

RESPONSE:

Deny as the corporate records for Plessen and other jointly owned businesses were seized in the FBI raid in the later part of 2001.

100. ADMIT or DENY that Fathi Yusuf had in his possession a stock ledger in 2013.

RESPONSE:

Yusuf Yusuf is unable to either admit or deny regarding access to the corporate records in 2013 as it is uncertain whether certain of the records seized in the FBI raid were available to the

parties at this time or whether the original corporate records were available to the parties at this time.

101. After reviewing 13 V.I.C. § 191, Election of directors; manner, time, place and notice, which states in relevant part,

All elections of directors shall be by ballot, unless otherwise provided in the articles of incorporation. The first meeting for the election of directors, at which meeting any business may be transacted, shall be held at any place either within or without the United States Virgin Islands fixed by a majority of the incorporators in a writing signed by them, and thereafter **meeting of the stockholders shall be held annually for the election of directors and the transaction of any other business at the time and place within or without the United States Virgin Islands named in the bylaws.**

ADMIT or DENY that Fathi Yusuf, in his capacity as Secretary, has never sent a notice of an annual meeting of the shareholders of Plessen.

RESPONSE:

Admit.

102. ADMIT or DENY that Fathi Yusuf, in any capacity other than a Secretary of Plessen has never sent a notice of an annual meeting of the shareholders of Plessen.

RESPONSE:

Admit.

103. ADMIT or DENY that Fathi Yusuf, has in his possession any past notice of an annual meeting of the shareholders of Plessen that he sent or had sent.

RESPONSE:

Denied.

104. ADMIT or DENY that Fathi Yusuf, in his capacity as Secretary, has never sent a notice of an annual meeting of the directors of Plessen.

RESPONSE:

Admit.

105. ADMIT or DENY that Fathi Yusuf, in any capacity other than as Secretary of Plessen, has never sent a notice of an annual meeting of the directors of Plessen.

RESPONSE:

Admit.

106. ADMIT or DENY that Fathi Yusuf, has in his possession any notice of an annual meeting of the directors of Plessen that he sent or had sent.

RESPONSE:

Deny.

107. After reviewing 13 V.I.C. § 195 Equally divided vote; receivership, which states in relevant part:

Whenever, by reason of an equally divided vote of the stockholders, there shall be a failure to elect directors, and such failure for such reason shall exist at two successive annual elections

ADMIT or DENY there has never been “an equally divided vote of the stockholders” of Plessen.

RESPONSE:

The above statement is a partial recitation of 13 V.I.C. § 195, there is nothing to either admit or deny. Clearly, the stockholders are equally divided.

108. ADMIT or DENY that “by reason of an equal divided vote of the stockholders” there has never been “a failure to elect directors” at a shareholder meeting.

RESPONSE:

The above statement is a partial recitation of 13 V.I.C. § 195, there is nothing to either admit or deny. Clearly, the stockholders are equally divided.

109. ADMIT or DENY that “a failure to elect directors” at “two successive annual election” at Plessen shareholder meeting has never occurred.

RESPONSE:

The above statement is a partial recitation of 13 V.I.C. § 195, there is nothing to either admit or deny. Clearly, the stockholders are equally divided.

110. After reviewing 13 V.I.C. § 196 Consent of stockholders in lieu of meeting, which states in relevant part,

Whenever the vote of stockholders at a meeting thereof is required or permitted to be taken in connection with any corporate action, by any section of this chapter, the meeting and vote of stockholders may be dispensed with, if all of the stockholders who would have been entitled to vote upon the action if such meeting were held, shall consent in writing to such corporate action being taken. Nothing herein contained shall be construed to alter or modify the provisions of section 281 of this chapter. In the event that the action which is consented to is such as would have required the filing of a certificate under any of the other sections of this chapter, if such action had been voted upon by the stockholders at a meeting thereof, the certificate filed under such other section shall state written consent has been given hereunder, in lieu of stating that the stockholders have voted upon the corporate action in question, if such last mentioned statement is required thereby.

ADMIT or DENY that prior to January 1, 2012 there were actions taken by the Plessen directors by written consent.

RESPONSE:

Admitted.

111. ADMIT or DENY in 2015 there were actions taken by the Plessen directors by written consent.

RESPONSE:

Deny. Insofar as the parties agreed with counsel for distribution of funds or other actions, the statement is admitted.

112. ADMIT or DENY in 2016 there were actions taken by the Plessen directors by written consent.

RESPONSE:

Deny. Insofar as the parties agreed with counsel for distribution of funds or other actions, the statement is admitted.

113. ADMIT or DENY that at all times until his death in 2016 Mohammad Hamed was the President of Plessen.

RESPONSE:

Admit.

114. After referring to page 6 of the By-Laws of Plessen, paragraph 3.2 (shown below:)

Section 3.2 Powers and Duties of the President. The President shall be the Chief Executive Officer of the Corporation and shall have general charge and control of all its business affairs and properties. The President shall preside at all meetings of the Stockholders. The President may be a member of the Board of Directors and, if a member, shall preside at all meeting of the Board of Directors unless the Board of Directors, by a majority vote of a quorum of the Board, elects a Chairman other than the President to preside at meetings of the Board of directors. The President may sign and execute all authorized bonds, contracts, or other obligations in the name of the Corporation. The President shall have the general powers and duties of supervision and management usually vested in the office of president and of corporation. The President shall be an ex-officio voting member of all standing committees. The President shall perform such other duties as from time to time are assigned to the President by the Board of Directors.

RESPONSE:

Admit that the President is vested with the recitation of power and authority listed above but denied that this recitation is a true and accurate reflection of the scope and limitations of the President's power and authority as other provisions of the Bylaws limit such authority including but not limited to Article V, Section 5 or as provided for in the bank records. Further responding, Yusuf Yusuf shows that the power and authority of the President is limited by other provisions of the Bylaws and therefore, this statement, in a vacuum is not a complete recitation of the authority and limitations of the President and Vice President..

115. ADMIT or DENY that with regard to Plessen, during 2013 Mohammad Hamed was the "chief executive officer" of Plessen.

RESPONSE:

Admit that the President is vested with the title "Chief Executive Officer" listed above but denied that this recitation is a true and accurate reflection of the scope and limitations of the President's power and authority as other provisions of the Bylaws limit such authority including but not limited to Article V, Section 5 or as provided for in the bank records. Further responding, Yusuf Yusuf shows that the power and authority of the President is limited by other provisions of the Bylaws and therefore, this statement, in a vacuum is not a complete recitation of the authority and limitations of the President and Vice President.

116. ADMIT or DENY that with regard to Plessen, during 2013, Mohammad Hamed had "the general powers and duties of supervision and management usually vested in the office of president" of a corporation with regard to Plessen.

RESPONSE:

Admit that the President is vested with the general powers usually vested in the office of the president but but denied that this recitation is a true and accurate reflection of the scope and limitations of the President's power and authority as other provisions of the Bylaws limit such authority including but not limited to Article V, Section 5 or as provided for in the bank records. Further responding, Yusuf Yusuf shows that the power and authority of the President is limited by other provisions of the Bylaws and therefore, this statement, in a vacuum is not a complete recitation of the authority and limitations of the President and Vice President..

117. ADMIT or DENY that with regard to Plessen, Mohammad Hamed had the authority to direct the Vice-President to remove funds from a corporation account that was subject to theft by other directors or shareholders.

RESPONSE:

Deny.

118. ADMIT or DENY that at all times until the present, Waleed Hamed has been the Vice-President of Plessen.

RESPONSE:

Admit.

119. After referring to page 6 of the By-Laws of Plessen, paragraph 3.3 (shown below:

Section 3.3 Powers and Duties of the Vice-President. The Board of Directors may appoint one or more Vice Presidents. Each Vice President (except as otherwise provided by resolution of the Board of Directors) Shall have the power to sign and execute all authorized bonds, contracts, or other obligations in the name of the Corporation. Each Vice President shall have such other powers and shall perform such other duties as from to time are assigned to that Vice President by the Board of Directors or by the President. In case of the absence or disability of the President, the duties of that office shall be performed by a Vice President; the taking of any action by any Vice President in place of the President shall be conclusive evidence of the absence or disability of the President.

ADMIT or DENY that in 2013, with regard to Plessen, Waleed Hamed had the power to "sign and execute all authorized bonds, contracts, or other obligations in the name of the corporation."

RESPONSE:

Admit that the Vice President is vested with the recitation of power and authority listed above but denied that this recitation is a true and accurate reflection of the scope and limitations of the Vice President's power and authority as other provisions of the Bylaws limit such authority including but not limited to Article V, Section 5 or as provided for in the bank records. Further responding, Yusuf Yusuf shows that the power and authority of the Vice President is

limited by other provisions of the Bylaws and therefore, this statement, in a vacuum is not a complete recitation of the authority and limitations of the President and Vice President.

120. ADMIT or DENY in 2013 Waleed Hamed had "such other powers and [could] perform such other duties as from time to time [were] assigned [to him] ... by the President.

RESPONSE:

Admit. However, further responding, this does not provide the Vice President with the authority to sign checks on behalf of Plessen without a counter signature from the Secretary/Treasurer as set forth in Article 5, Section 5.1(c) of the Bylaws or as provided for in the bank records. Further responding, Yusuf Yusuf shows that the power and authority of the Vice President is limited by other provisions of the Bylaws and therefore, this statement, in a vacuum is not a complete recitation of the authority and limitations of the President and Vice President.

121. ADMIT or DENY in 2013, if Mohammad Hamed was absent or disabled, Waleed Hamed had the power to perform "the duties of" the office of President.

RESPONSE:

Deny.

122. ADMIT or DENY that Yusuf Yusuf does not have any written consent, or written resolutions or minutes of any meeting, making Mike Yusuf a director of Plessen.

RESPONSE:

Admit as to corporate resolution or minutes but shows that the Yusufs were under the belief that Mike Yusuf was a director of United as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v.*

Yusuf et al, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 120-YY-00509-511.

Yusuf Yusuf shows that the corporate records for Plessen were outside any of the parties' control for years following the FBI raid in which the corporate records were seized. In April 2014, Carl Beckstedt prepared corporate documents to reflect Mike's position as a director. Attorney Holt advised Carl Beckstedt to the contrary. However, Attorney Beckstedt did not comply but rather advised that he would need to confirm with the parties. Nonetheless, there is not an executed document in the official corporate record book reflecting Mike Yusuf's position as a director.

123. ADMIT or DENY that Mike Yusuf does not have any written consent, or written resolutions or minutes of any meeting, making Mike Yusuf a director of Plessen.

RESPONSE:

Admit as to written resolutions or minutes but shows that the Yusufs were under the belief that Mike Yusuf was a director of United as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 120-YY-00509-511.

Yusuf Yusuf shows that the corporate records for Plessen were outside any of the parties' control for years following the FBI raid in which the corporate records were seized. In April 2014, Carl Beckstedt prepared corporate documents to reflect Mike's position as a director. Attorney Holt advised Carl Beckstedt to the contrary. However, Attorney Beckstedt did not comply but rather advised that he would need to confirm with the parties. Nonetheless, there is not an executed document in the official corporate record book reflecting Mike Yusuf's position as a director.

124. ADMIT or DENY that Fathi Yusuf does not have any written consent or written resolutions or minutes of any meeting, making Mike Yusuf a director of Plessen.

RESPONSE:

Admit as to written resolutions or minutes but shows that the Yusufs were under the belief that Mike Yusuf was a director of United as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 120-YY-00509-511.

Yusuf Yusuf shows that the corporate records for Plessen were outside any of the parties' control for years following the FBI raid in which the corporate records were seized. In April 2014, Carl Beckstedt prepared corporate documents to reflect Mike's position as a director. Attorney Holt advised Carl Beckstedt to the contrary. However, Attorney Beckstedt did not comply but rather advised that he would need to confirm with the parties. Nonetheless, there is not an executed document in the official corporate record book reflecting Mike Yusuf's position as a director.

125. ADMIT or DENY that Yusuf Yusuf does not know of any written consent, or minutes of any meeting, in the possession of any third person or entity, making Mike Yusuf a director of Plessen.

RESPONSE:

Admit as to written resolutions or minutes but shows that the Yusufs were under the belief that Mike Yusuf was a director of United as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as

is the Office of the Lieutenant Governor, Division of Corporations.” See Bates Stamped documents 120-YY-00509-511.

Yusuf Yusuf shows that the corporate records for Plessen were outside any of the parties' control for years following the FBI raid in which the corporate records were seized. In April 2014, Carl Beckstedt prepared corporate documents to reflect Mike's position as a director. Attorney Holt advised Carl Beckstedt to the contrary. However, Attorney Beckstedt did not comply but rather advised that he would need to confirm with the parties. Nonetheless, there is not an executed document in the official corporate record book reflecting Mike Yusuf's position as a director.

126. ADMIT or DENY that Mike Yusuf does not know of any written consent, or minutes of any meeting, in the possession of any third person or entity, making Mike Yusuf a director of Plessen.

RESPONSE:

Admit as to written resolutions or minutes but shows that the Yusufs were under the belief that Mike Yusuf was a director of United as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a “director.” Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that “I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations.” See Bates Stamped documents 120-YY-00509-511.

Yusuf Yusuf shows that the corporate records for Plessen were outside any of the parties' control for years following the FBI raid in which the corporate records were seized. In April 2014, Carl Beckstedt prepared corporate documents to reflect Mike's position as a director. Attorney Holt advised Carl Beckstedt to the contrary. However, Attorney Beckstedt did not comply but rather advised that he would need to confirm with the parties. Nonetheless, there is not an executed document in the official corporate record book reflecting Mike Yusuf's position as a director.

127. ADMIT or DENY that Fathi Yusuf does not know of any written consent, or minutes of any meeting, in the possession of any third person or entity, making Mike Yusuf a director of Plessen.

RESPONSE:

Admit as to written resolutions or minutes but shows that the Yusufs were under the belief that Mike Yusuf was a director of United as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 120-YY-00509-511.

Yusuf Yusuf shows that the corporate records for Plessen were outside any of the parties' control for years following the FBI raid in which the corporate records were seized. In April 2014, Carl Beckstedt prepared corporate documents to reflect Mike's position as a director. Attorney Holt advised Carl Beckstedt to the contrary. However, Attorney Beckstedt did not comply but rather advised that he would need to confirm with the parties. Nonetheless, there is not an executed document in the official corporate record book reflecting Mike Yusuf's position as a director.

128. ADMIT or DENY that Yusuf Yusuf has had written or verbal communications including but not limited to emails and telephone conversations, with any vendor or supplier of grocery products or association of grocery vendors regarding criminal charges being brought against Waleed of [sic] Mafi Hamed regarding the embezzlement of Plessen funds at issue in this action.

RESPONSE:

Admit to the extent that such actions occurred after the matter was already made public and in response to inquiries, otherwise the statement is denied.

129. ADMIT or DENY that Mike Yusuf has had written or verbal communications, including but not limited to emails and telephone conversation, with any vendor or supplier of grocery products or association of grocery vendors regarding criminal charges being brought against Waleed of [sic] Mafi Hamed regarding the embezzlement of Plessen funds at issue in this action.

RESPONSE:

Admit to the extent that such actions occurred after the matter was already made public and in response to inquiries, otherwise the statement is denied.

130. ADMIT or DENY that Fathi Yusuf has had written or verbal communications, including but not limited to emails and telephone conversation, with any vendor or supplier of grocery products or association of grocery vendors regarding criminal charges being brought against Waleed of [sic] Mafi Hamed regarding the embezzlement of Plessen funds at issue in this action.

RESPONSE:

Admit to the extent that such actions occurred after the matter was already made public and in response to inquiries, otherwise the statement is denied.

131. ADMIT or DENY that Yusuf Yusuf forwarded a copy of a Daily News article to any vendor or supplier of grocery products or association of grocery vendors regarding criminal charges being brought against Waleed of [sic] Mafi Hamed regarding the embezzlement of Plessen funds at issue in this action.

RESPONSE:

Yusuf Yusuf is unable to recall whether he forwarded a copy of the Daily News article to anyone described in this RTA and therefore, it is Denied.

132. ADMIT or DENY that Mike Yusuf forwarded a copy of a Daily News article to any vendor or supplier of grocery products or association of grocery vendors regarding criminal charges being brought against Waleed of [sic] Mafi Hamed regarding the embezzlement of Plessen funds at issue in this action.

RESPONSE:

Deny.

133. ADMIT or DENY that Fathi Yusuf forwarded a copy of a Daily News article to any vendor or supplier of grocery products or association of grocery vendors regarding criminal charges being brought against Waleed of [sic] Mafi Hamed regarding the embezzlement of Plessen funds at issue in this action.

RESPONSE:

Deny.

134. ADMIT or DENY that Nizar DeWood's conversations and written communications on behalf of Plaintiff with members of the VIPD are not privileged.

RESPONSE:

Yusuf Yusuf is unable to admit or deny the allegations set forth in the RTA as they are not specific as to the conversations involved or the matters covered. Hence, they stand denied.

135. ADMIT or DENY that Plaintiff claims Nizar DeWood's conversations and written communications on behalf of Plaintiff with members of the VIPD are privileged.

RESPONSE:

Yusuf Yusuf is unable to admit or deny the allegations set forth in the RTA as they are not specific as to the conversations involved or the matters covered. Hence, they stand denied.

136. ADMIT or DENY that Nazir DeWood's conversations and written communications on behalf of Plaintiff with members of the VIPD are privileged.

RESPONSE:

Yusuf Yusuf, et al. (v. Mohammad Hamed, et al.)
Case No. SX-13-CV-120
Plaintiff Yusuf Yusuf's Response to Defendant
Mufeed Hamed's Second Set of Requests for Admissions
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Yusuf Yusuf is unable to admit or deny the allegations set forth in the RTA as they are not specific as to the conversations involved or the matters covered. Hence, they stand denied.


137. ADMIT or DENY that Plaintiff claims Nizar DeWood's conversations and written communications on behalf of Plaintiff with employees of Scotiabank are privileged.

RESPONSE:

Yusuf Yusuf is unable to admit or deny the allegations set forth in the RTA as they are not specific as to the conversations involved or the matters covered. Hence, they stand denied.

Yusuf Yusuf, et al. (v. Mohammad Hamed, et al.)
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DATED: February 15th, 2017

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CERTIFICATE OF SERVICE

It is hereby certified that on this ____ day of February, 2017, I caused a true and exact copy of the foregoing **PLAINTIFF YUSUF YUSUF'S RESPONSE TO DEFENDANT MUFEEED HAMED'S SECOND SET OF REQUESTS FOR ADMISSIONS** to be served upon the following via e-mail:

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