

**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 ENTER A SCHEDULING ORDER

The Plaintiff sent defense counsel a proposed scheduling order on February 9, 2017. See **Exhibit 1**. There has been absolutely no response to that request. Instead, the Defendant has filed a Motion to Stay Discovery, totally ignoring this email and the attached proposed Order.

As four weeks have now passed without a response, it is respectfully requested that this Court enter a scheduling order, as other courts have done in similar circumstances. See, e.g. *Peroulis v. Kozak*, 2007 WL 9637059, at *3 (D. Nev. Nov. 15, 2007) ("The Court previously entered a scheduling order in this case after Defendant's refusal to participate in a Rule 26(f) conference.").

A proposed Scheduling Order is being filed with this motion.

Dated: March 9 2017



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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 9th day of March, 2017, I served a copy of the foregoing by mail and email, as agreed by the parties, on:

Greg Hodges
Stefan Herpel
Lisa Komives
Law House, 10000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00802
ghodges@dtflaw.com



From: Joel Holt <holtvi@aol.com>

To: sherpel <sherpel@dtflaw.com>; lkomives <lkomives@dtflaw.com>

Cc: carl <carl@carlhartmann.com>; kim <kim@japinga.com>

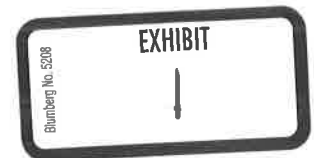
Subject: Hamed v Yusuf

Date: Thu, Feb 9, 2017 6:09 pm

Attachments: hamed.wally.cico.2017 02 09 Proposed Scheduling Order.docx (36K)

Stefan/Lisa-Since you suggested that the parties should file a scheduling order, attached is a proposed order. I am available for a Rule 26 conference to discuss tomorrow or early next week-let me know what works as whether you have any suggested changes.

Joel H. Holt, Esq.
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U.S. Virgin Islands 00820
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SCHEDULING ORDER

Come now the parties and hereby submit the following proposed scheduling plan:

1. DISCOVERY PLAN

- a. The parties will submit their respective Rule 26 Self Disclosures by **March 15, 2017.**
- b. The parties will conduct fact discovery with written discovery to be completed by **July 30, 2017,** and depositions to be completed by **October 15, 2017.** Any and all discovery demands previously served on either party shall be reserved following court approval of this discovery scheduling plan.

- c. Each party will file expert disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2) on any issue in which they have the affirmative burden of proof by **November 15, 2017**. Responsive Expert Reports will be filed by **December 15, 2017**. Expert Depositions will be taken after all reports are received but before **January 15, 2018**.
- d. The parties agree that the presumptive limits of ten (10) depositions per side and twenty five (25) interrogatories per party will apply.
- g. There are no other matters of discovery pertinent at this time.

2. MEDIATION

Mediation shall be completed no later than **October 15, 2017**.

3. MOTIONS

All dispositive motions shall be filed no later **February 15, 2018**.

4. TRIAL DATE

The earliest date by which this case should be reasonably be expected to be ready for trial shall be **March, 2018**.

5. LENGTH OF TRIAL

The estimated length of time expected to try the case to verdict is three (3) days.

6. OTHER MATTERS

None anticipated at this time.

Dated: February , 2017

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Dated: February , 2017

Stefan B. Herpel
Lisa Michelle Komives
Law House, 10000 Frederiksberg
Gade
P.O. Box 756
St. Thomas, VI 00802
ghodges@dtflaw.com

The Court hereby approves this Scheduling Order submitted by the parties:

**Honorable Judge of the
Superior Court of the Virgin Islands**

Attested By: ESTRELLA H. GEORGE

Acting Clerk of Court

Deputy Clerk

Dist: Joel Holt, Carl Hartmann, Gregory Hodges, Lisa Komives

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SCHEDULING ORDER

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DISCOVERY PLAN

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So Ordered this _____ day of March, 2017

Honorable Robert A. Molly
Judge, Superior Court

Attested By: ESTRELLA H. GEORGE
Acting Clerk of Court

Deputy Clerk

Dist: Joel Holt, Carl Hartmann, Gregory Hodges, Lisa Komives