

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

YUSUF YUSUF, derivatively on behalf of)	
Plessen Enterprises, Inc.,)	Case No. SX-13-CV-120
)	
Plaintiff,)	Civil Action for Damages
)	and Injunctive Relief
v.)	
)	JURY TRIAL DEMANDED
WALEED HAMED, WAHEED HAMED,)	
MUFEED HAMED, HISHAM HAMED,)	
and FIVE-H HOLDINGS, INC.,)	
)	
Defendants,)	
)	
and)	
)	
PLESSEN ENTERPRISES, INC.,)	
)	
_____)	
Nominal Defendant.)	

**MUFEED HAMED’S THIRD SET OF REQUESTS FOR THE PRODUCTION OF
DOCUMENTS TO PLAINTIFF**

Defendant Mufeed Hamed, by counsel, pursuant to V.I.R.Civ.P. 34, propounds the following Third Set of Requests for Production of Document on the Plaintiff:

INSTRUCTIONS

In responding to these Requests for Production of Documents, the following instructions shall apply:

1. The obligations imposed by V.I. R. CIV. P. 26 and 34 are hereby incorporated, including but not limited to, the duty to supplement imposed by V.I. R. CIV. P. 26(e).
2. If the Plaintiff lacks information to respond to a particular request for production, in whole or in part, the Plaintiff shall state or identify: a) the currently available information; b) any currently unavailable information; c) the efforts the Plaintiff has taken, or will take, to obtain the currently unavailable information; and d) when the Plaintiff expects to obtain this information.

Further, if the Plaintiff believes that any other individual or entity may have information that responds to a specific request, in whole or in part, the Plaintiff shall provide the individual or entity's: a) name, address and telephone number and b) a brief description of the information the Plaintiff believes the entity or individual possesses.

3. Whenever in these requests for production the Plaintiff is directed to produce or "identify" a "document," the Plaintiff shall, besides providing the document itself (if asked to produce), state or identify the following: a) the date the document was prepared; b) the name, address and telephone number of each author or signatory; c) the name, address and telephone number of each recipient (both addressee and recipients of copies); d) the document type (e.g., letter, memorandum, report, etc.); e) the document title; f) the document's control number or Bates number; and g) the name, address and telephone number of the document's custodian.

4. If the Plaintiff no longer possesses any document the Hamed Parties request, the Plaintiff shall state or identify: a) the date the document was prepared; b) the name, address and telephone number of each author or signatory; c) the name, address and telephone number of each recipient; d) the document type (e.g., letter, memorandum, report, etc.); e) what was done with the document; f) the name, address and telephone number of each individual responsible for, or otherwise involved with, transferring or disposing of the document; and g) reason(s) the document was disposed of or transferred; and h) the name, address and telephone of the document's custodian, if known.

5. If the Plaintiff believes any information the Hamed Parties request is privileged and/or protected, in whole or in part, the Plaintiff shall provide the following: a) the document's title; b) the document type (e.g., memorandum, letter, report, email etc.); c) the name, address and telephone number of each author or signatory; d) the name, address and telephone number of each

recipient; e) the date the document was prepared; f) the privilege(s) and/or protection(s) the Plaintiff is asserting; g) the factual bases for the Plaintiff asserting the privilege(s) and /or protection(s); and h) a summary of the information Plaintiff is not producing to enable a court of competent jurisdiction to rule whether the information is privileged and/or protected.

6. If the Plaintiff redacts anything from a document it produces in response to these requests for production, the Plaintiff shall state or provide the following: a) a summary of the deleted information; b) the reason(s) for deleting the information; and c) the name, address and telephone number of each person responsible for, or otherwise involved with, deleting the information.

7. The Plaintiff shall respond to each of these requests for production to the fullest extent possible, and in good faith, preserving any valid objections the Plaintiff may have. The Plaintiff may further ask the Hamed Parties' attorney to clarify or limit any request for production Plaintiff believes is vague or unduly burdensome.

8. Whenever these requests for production use any word in the plural, the Plaintiff shall understand the word to include the singular as necessary to make the request for production inclusive rather than exclusive. Further, whenever these requests for production use any word in the singular, the Plaintiff shall understand the word to include the plural as necessary to make the request for production inclusive rather than exclusive.

9. Whenever these requests for production use any word in the masculine, the Plaintiff shall understand the word to include the feminine as necessary to make the request for production inclusive rather than exclusive. Further, whenever these requests for production use any word in the feminine, the Plaintiff shall understand the word to include the masculine as necessary to make the request for production inclusive rather than exclusive.

10. Verbs written in the present tense shall also be taken to mean and include the past. Verbs written in the past tense shall also be taken to mean and include the present.

11. Whenever these requests for production use the word "and" or the word "or," the Plaintiff shall understand the word conjunctively or disjunctively as necessary to make the request for production inclusive rather than exclusive.

12. The parties have consented, pursuant to V.I. R. CIV. P. 5(b)(2)(E), to electronic service of all documents in this action including discovery requests and responses.

TERMS AND MEANINGS

The terms used in this Discovery have the following meaning:

As used herein, the term "document(s)" is used in its broadest sense to include, by way of illustration only and not by way of limitation, all originals and non-identical copies of any writing or any other tangible thing or data compilation in the custody, possession or control of the Plaintiff - whether printed, typed, reproduced by any process, written or produced by hand, including any graphic matter however produced or reproduced, or produced by any other mechanical means and all data, either electronic, magnetic, chemical, mechanical, or other form of data storage capable of being transformed into written or oral matter, including, but not limited to, CD-ROMs, DVDs, computer disks, Hard-drive computer storage mediums - including e-mails, letters, affidavits, filings, engineering studies and/or tests, reports, agreements, communications, correspondence, permits, accounting records, business records, contracts, letters of agreements, telegrams, mailgrams, memoranda, summaries and/or records of personnel or telephone conversations, diaries, calendars, forecasts, photographs, tape recordings, facsimiles, models, statistical statements, graphs, charts, plans, drawings, service and /or pump data, logs, minutes or records of meetings, minutes or records of conferences, reports and /or summaries of interviews, reports,

conversations, summaries of investigations, opinions or reports of consultants, topographical or geological maps or surveys, appraisals, records, reports or summaries of negotiations, drafts of any document, revisions of drafts of any document, purchase orders, invoices, receipts, original or preliminary notes, financial statements, accounting work papers, promissory notes, film, microfilm, microfiche, punch cards, slides, pictures, videotapes, moving pictures, computer programs, laboratory results, magnetic tapes or any other matter which is capable of being read, heard or seen with or without mechanical or electronic assistance.

"Communication" means any correspondence, contact, discussion, exchange, contract, or agreement between any two or more persons. Without limiting the foregoing, "communication" includes all documents, as defined above, telephone conversations, internet communications, e-mail, facsimile transmissions, voice mail, face-to-face conversations, meetings, and conferences.

REQUESTS

1. **With regard to INTERROGATORY NO. 12 please produce all documents that are responsive:** Each document and every distinct (different) version of each document in your possession or that you know of that is or purports to be a signature card for any Plessen account at Bank of Nova Scotia from 1998 to the present which bears the original or copied signature of Fathi Yusuf, Yusuf Yusuf, Nejah Yusuf, Mike Yusuf, Mohammad Hamed, Wally Hamed, Mafi Hamed, Willie Hamed or Shawn Hamed.

2. **With regard to INTERROGATORY NO. 12 please produce all documents that are responsive:** Each document and every distinct (different) version of each document in your possession or that you know of that is or purports to be a draft of a signature card for any Plessen account at Bank of Nova Scotia from 1998 to the present which bears the original or copied signature of Fathi Yusuf, Yusuf Yusuf, Nejah Yusuf, Mike Yusuf, Mohammad Hamed, Wally

Hamed, Mafi Hamed, Willie Hamed or Shawn Hamed.

3. **With regard to INTERROGATORY NO. 12 please produce all documents that are responsive:** Each document and every distinct (different) version of each document in your possession or that you know of that is or purports to be an information gathering document for any Plessen account at Bank of Nova Scotia from 1998 to the present which bears the original or copied signature of Fathi Yusuf, Yusuf Yusuf, Nejah Yusuf, Mike Yusuf, Mohammad Hamed, Wally Hamed, Mafi Hamed, Willie Hamed or Shawn Hamed.

4. **With regard to INTERROGATORY NO. 12 please produce all documents that are responsive:** Each document and every distinct (different) version of each document in your possession or that you know of that is or purports to be a draft of an information gathering document for any Plessen account at Bank of Nova Scotia from 1998 to the present which bears the original or copied signature of Fathi Yusuf, Yusuf Yusuf, Nejah Yusuf, Mike Yusuf, Mohammad Hamed, Wally Hamed, Mafi Hamed, Willie Hamed or Shawn Hamed.

5. **With regard to INTERROGATORY NO. 13 please produce all documents responsive:** Each document and every distinct (different) version of each document in your possession or that you know of that is or purports to be a Bank of Nova Scotia form or document from 1998 to the present which bears the original or copied signature of Fathi Yusuf, Yusuf Yusuf, Nejah Yusuf, Mike Yusuf, Mohammad Hamed, Wally Hamed, Mafi Hamed, Willie Hamed or Shawn Hamed. This does not include checks or deposit slips.

Respectfully submitted,

HAMMECKARD, LLP



Dated: May 3, 2017

By:

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Counsel for Waleed Hamed, Waheed Hamed,
Mufeed Hamed, Hisham Hamed and Five-H
Holdings, Inc.

CERTIFICATE OF SERVICE

I certify that this document complies with the page limitation set forth in Rule 6-1(e), and that on May 3, 2017, I caused a copy of the foregoing document to be served via email and to be mailed via regular United States Mail, postage pre-paid, to:

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