IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

MOHAMMAD HAMED BY HIS AUTH. AGENT WALEED HAMED	**Plaintiff**	CASE NO. SX-12-CV-0000370 SX-14-CV-278, SX-14-CV-287 ACTION FOR: DAMAGES - CIVIL
vs		
FATHI YUSUF UNITED CORPORATION	**Defendant**	

NOTICE OF ENTRY OF ORDER

TO: GREGORY H. HODGES, ESQ.
JOEL H. HOLT, ESQ.
MARK W. ECKARD, ESQ.
JEFFREY B.C. MOORHEAD, ESQ.
HON. EDGAR D. ROSS

Please take notice that on June 26, 2017 a(n) ORDER dated June 26, 2017 was entered by the Clerk in the above-entitled matter.

Dated: June 26, 2017

Estrella H. George
Clerk of the Court

IRIS D. CINTRON
COURT CLERK II

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

WALEED HAMED, as Executor of the Estate of MOHAMMED HAMED Plaintiff/Counterclaim Defendant, v. FATHI YUSUF and UNITED CORPORATION, Defendants/Counterclaimants, v. WALEED HAMED, WAHEED HAMED, MUFEED HAMED, HISHAM HAMED, and PLESSEN ENTERPRISES, INC., Counterclaim Defendants.	Civil No. SX-12-CV-370 ACTION FOR DAMAGES, INJUNCTIVE RELIEF and DECLARATORY JUDGMENT
WALEED HAMED, as Executor of the Estate of MOHAMMED HAMED, Plaintiff, v. UNITED CORPORATION, Defendant.	Civil No. SX-14-CV-287 ACTION FOR DAMAGES and DECLARATORY JUDGMENT
WALEED HAMED, as Executor of the Estate of MOHAMMED HAMED, Plaintiff, v. FATHI YUSUF, Defendant.	Civil No. SX-14-CV-278 ACTION FOR DEBT and CONVERSION

ORDER

Comes now the Court, *sua sponte*, to clarify the record in this matter. In reviewing several pending motions, it has come to the Court's attention that Defendant's Motion to Dismiss (Motion) and Renewed Motion to Dismiss (Renewed Motion) in SX-12-CV-370, filed October 9, 2012 and November 5, 2012, respectively, in the District Court of the Virgin Islands prior to remand, apparently remain pending, as the record appears to contain no order, either from this Court or the District Court, directly ruling on either the Motion or Renewed Motion. Consequently, Defendants have not yet filed an answer to Plaintiff's First Amended Complaint in SX-12-CV-370.

In response to the filing of Defendants' Motion, Plaintiff filed his First Amended Complaint on October 19, 2012. To the extent Defendants' Motion was not implicitly denied as moot by the filing of Plaintiff's First Amended Complaint, or implicitly withdrawn by the filing

of Defendants' Renewed Motion, the Court will now deny Defendant's Motion, filed October 9, 2012, as moot.

Defendants' Renewed Motion argues that Plaintiff's Complaint must be dismissed for failure to state a claim upon which relief may be granted based solely upon Defendants' previous assertion that no business partnership existed. However, by his Motion to Appoint Master, filed April 7, 2014, 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." Accordingly, the Court granted in part Plaintiff's May 9, 2014 Renewed Motion for Partial Summary Judgment as to the Existence of a Partnership by Order entered November 7, 2014, finding and declaring the existence of a 50/50 partnership between Yusuf and Hamed based upon their 1986 oral agreement for the ownership and operation of the Plaza Extra Stores.

Thus, to the extent that Defendants' Renewed Motion was not already implicitly denied by the Court's November 7, 2014 Order declaring the existence of the partnership, Defendants' Renewed Motion will now be denied, as moot. Additionally, Defendants will be required to file an answer to Plaintiff's First Amended Complaint, responding to the allegations contained therein and asserting any applicable affirmative defenses.

Accordingly, it is hereby

ORDERED that Defendants' Motion to Dismiss, filed October 9, 2012, is DENIED, as moot. It is further

ORDERED that Defendants' Renewed Motion to Dismiss, filed November 5, 2012 is DENIED, as moot. It is further

ORDERED that Defendants shall, within ten (10) days of the date of entry of this Order, file an answer to Plaintiff's First Amended Complaint in SX-12-CV-370.

DATED: June 26, 2017.

DOUGLAS A. BRADY
Judge of the Superior Court

ATTEST: ESTRELLA GEORGE
Clerk of the Court

By: _____ 6/26/17
Court Clerk Supervisor