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REPLY TO:
 ST. THOMAS OFFICE
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OF COUNSEL:
MARK HILLSMAN
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June 26, 2017

Joel H. Holt, Esq.
LAW OFFICES OF JOEL H. HOLT
2132 Company Street
Christiansted, USVI, 00820
holtvi@aol.com

Re: Sixteen Plus v. Manal Mohammad Yousef
SCVI/STX - Civil No. SX-16-CV-65

Dear Attorney Holt:

I am writing to you pursuant to the provisions of Rule 26(c)(1) of the Virgin Islands Rules of Civil Procedure, to ask you to withdraw your notice of deposition of Manal Mohammad Yousef, set to take place in your office on Friday, July 14, 2017, and to withdraw portions of your written discovery to her for the reasons set forth below.

Manal Mohammad Yousef is now and has been for many years a resident of Palestine. As a non-resident of the Virgin Islands, any notice to take her deposition should have noticed it to take place where she lives. Therefore, your notice to depose her in your office is improper on its face. *Rapoca Energy Company, L.P. v. Amci Export Corporation*, 199 F.R.D. 191, 193 (W.D.Va. 2001); and *Buzzeo v. Board of Education, Hempstead*, 178 F.R.D. 390, 392 (E.D.N.Y. 1998).

In addition there are practical reasons why Manal Mohammad Yousef cannot appear in your office in the Virgin Islands on July 14, 2017. In order for her to travel to the United States she would need to obtain a United States travel visa, which she does not have at the present time. In order to get a visa from the United States to permit her to travel here, it would be necessary for her to go to the American Embassy in Israel. Travel from Palestine to Israel is very dangerous and would force her to put her personal safety in jeopardy. There is also no guarantee that the United States Embassy would issue a visa for her to travel. The uncertainty of the issuance of visas to persons in the Middle East is underscored by the Supreme Court decision today which upheld portions of President Trump's travel ban.

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Furthermore Manal Mohammad Yousef is a mother of three (3) school-aged children between the ages of twelve (12) to nineteen (19). All of them are presently in school, and because of this she cannot leave them alone to travel here even if she could obtain a visa which is problematic as set forth above.

Aside from the Notice of Deposition with Accompanying Rule 34 Request, you have recently issued written discovery to Manal Mohammad Yousef consisting of Requests for Admissions, a set of Interrogatories, and a Requests for the Production of Documents. The Rule 34 Request and the Request for the Production of Documents are identical and, in paragraphs 13, 17, 19, 20, 21, and 23, seek the production of material which is protected by the attorney/client privilege. Accordingly, I respectfully request that you withdraw these requests in both the written discovery and in Rule 34 Request accompanying the Notice of Deposition, as well as the Notice of Deposition itself, and focus on completing the written discovery already commenced. By completing the written and other discovery which you have already commenced, you may find that there is some other method to obtaining the information from others you would otherwise obtain from Manal Mohammad Yousef by taking her deposition.

In an effort to resolve this situation, I will endeavor to provide you with responses to the written discovery which you have issued. However, based on the time and distances involved I request an extension of thirty (30) days for me to provide you with answers and responses to these items. If you agree to this extension, I will agree to provide you with those responses as expeditiously as possible within the extended timeframe.

Please understand that if you do not agree to withdraw the Notice of Deposition, and paragraphs 13, 17, 19, 20, 21, and 23 of the Rule 34 Request and Request for the Production of Documents, I will have no alternative but to file a motion for protection in accordance with the terms and conditions of Rule 26(c)(1) referred to above.

Thank you for your cooperation, advice, and assistance in these regards.

Sincerely yours,



James L. Hymes, III

JLH:rs

cc: Mark W. Eckard, Esq.
meckard@hammeckard.com