

**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, MUFEEED 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 NOTICE OF INTENT TO SERVE SUBPOENAS *DUCES
TECUM***

Plaintiff, Yusuf Yusuf (Yusuf), through his attorneys, Dudley, Topper and Feuerzeig, LLP, hereby gives notice that he intends to serve the following non-parties with subpoenas *duces tecum*, copies of which are attached hereto as Exhibit "A."

V.I. Police Department 45 Mars Hill Frederiksted St. Croix, VI 00840 Attn: Records Custodian	V.I. Department of Justice 6040 Castle Coakley Christiansted St. Croix, VI 00820 Attn: Records Custodian
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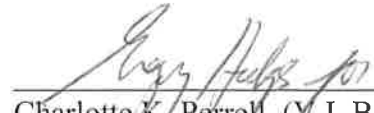
**DUDLEY, TOPPER
AND FEUERZEIG, LLP**
1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, U.S. V.I. 00804-0756
(340) 774-4422

Respectfully submitted,

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: June 30, 2017

By:


Charlotte K. Perrell, (W.I. Bar #1281)
Law House
1000 Frederiksberg Gade - P.O. Box 756
St. Thomas, VI 00804-0756
Telephone: (340) 774-4422
Facsimile: (340) 715-4400
E-Mail: cperrell@dtflaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

It is hereby certified that on this 30th day of June, 2017, a true and exact copy of the foregoing *PLAINTIFF YUSUF YUSUF'S NOTICE OF INTENT TO SERVE SUBPOENAS DUCES TECUM* was served upon the following persons via e-mail:

Mark W. Eckard, Esq.
HAMM & ECKARD, LLP
5030 Anchor Way – Suite 13
Christiansted, St. Croix
U.S. Virgin Islands 00820-4692
E-Mail: meckard@hammneckard.com

Jeffrey B.C. Moorhead, Esq.
C.R.T. Building
1132 King Street
Christiansted, St. Croix
U.S. Virgin Islands 00820
E-Mail: jeffreymlaw@yahoo.com



**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade
P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

EXHIBIT A

SUBPOENA DUCES TECUM

(Civil - Original)

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

TO: Records Custodian, V.I. Police Department
ADDRESS: 45 Mars Hill, Frederiksted, St. Croix, VI 00840

You are hereby subpoenaed to appear at Dudley, Topper and Feuerzeig, LLP** located at 1000 Frederiksberg Gade, St. Thomas, V.I., at 10:00 a.m. on the 31st day of July 2017, to give evidence in the cause of action captioned above on behalf of Yusuf Yusuf, and to bring with you the documents identified in the attached Exhibit A.

**NOTE: DOCUMENTS ONLY WILL BE REQUIRED. YOU MAY COMPLY WITH THIS SUBPOENA DUCES TECUM BY PRODUCING THE REFERENCED DOCUMENTS ON OR BEFORE THE ABOVE-STATED DATE.

Dated: June 30, 2017

By:

[Signature]
Charlotte K. Perrell, (V.I. Bar #1281)
Dudley, Topper and Feuerzeig, LLP
Law House, 1000 Frederiksberg Gade
P.O. Box 756, St. Thomas, VI 00804-0756
Telephone: (340) 774-4422
Facsimile: (340) 715-4400
cperrell@dtflaw.com
Attorneys for Plaintiff, Yusuf Yusuf

RETURN OF SERVICE

I personally served the within subpoena duces tecum by delivering a copy to _____

Marshal

Dated: _____

By: _____
(Deputy)

RETURN OF SERVICE

This is to certify that _____ cannot be found in this jurisdiction.

Marshal

Dated: _____

By: _____
(Deputy)

RETURN OF SERVICE

I hereby certify that I served the within subpoena duces tecum by leaving a copy at _____, the usual place of abode, with _____, a member of his/her family over the age of 14 years, then residing with him/her.

Marshal

Dated: _____

By: _____
(Deputy)

Federal Rule of Civil Procedure 45(d), and (c), (Effective 12/1/13)

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fail to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under

specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

EXHIBIT A

DEFINITION

The term "document" is used in its broadest sense and includes all original written, recorded or graphic items of every kind whatsoever and copies thereof including, but not limited to: agreements, forms, applications, contracts and memoranda of understandings; assignments; licenses, correspondence and communications, including intra-company correspondence and communications; emails, cablegrams, SMS text messages, telex messages, social media messages (i.e. Facebook, Twitter), email, facsimiles, radiograms and telegrams; reports, notes and memoranda; summaries, minutes and records of telephone conversations, meetings and conferences, including lists of persons attending meetings or conferences; summaries and records of personal conversations and interviews; books, manuals, publications, and diaries; technical, laboratory and engineering reports, data sheets and notebooks; charts; plans; sketches and drawings; photographs, motion pictures; audio and video tapes and disks; computer printouts; computer software; models and mockups; reports and/or summaries of investigations; evidence, opinions and reports of experts and consultants; opinions of counsel; sales records, including purchase orders, order acknowledgments and invoices; books of account; statements, bills, checks and vouchers; reports and summaries of negotiations; brochures; pamphlets; catalogs and catalog sheets, sales literature and sales promotion materials, advertisements; displays; circulars, trade letters, notices and announcements; press, publicity, trade and product releases; drafts or originals of, or preliminary notes on, and marginal comments appearing on, any document; all records kept by photographic, electronic mechanical or other tangible means including but not limited to the contents of computer memory and hard disks; other reports and records; and any other information-containing paper writing or physical thing.

Produce all documents, investigative files, evidence and all records in your possession in any way referencing or relating to the incident identified in the attached V.I. Police Report identified as Report 13 A-04488 and all subsequent investigations thereof, including but not limited to, all information referenced by Sergeant Corneiro in the attached Affidavit and all information received from the Bank of Nova Scotia.

SUBPOENA DUCES TECUM

(Civil - Original)

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DIVISION OF ST. CROIX

YUSUF YUSUF, FATHI YUSUF, FAWZIA YUSUF,
NEJEH YUSUF, and ZAYED YUSUF, in their
individual capacities and derivatively on behalf of
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vs.
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WAHEED HAMED, MUFEED HAMED,
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Dated: June 30, 2017

By: [Signature]
Charlotte K. Perrell, (V.I. Bar #1281)
Dudley, Topper and Feuerzeig, LLP
Law House, 1000 Frederiksberg Gade
P.O. Box 756, St. Thomas, VI 00804-0756
Telephone: (340) 774-4422
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cperrell@dtflaw.com
Attorneys for Plaintiff, Yusuf Yusuf

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Produce all documents, investigative files, evidence and all records in your possession in any way referencing or relating to criminal matters *People of the Virgin Islands vs. Waleed Hamed, Mufeed Hamed, Superior Court of the Virgin Islands, Division of St. Croix, Criminal Nos. SX-15-cr-352 and SX-15-cr-353, including but not limited to, all information referenced by Sergeant Corniero in the attached Affidavit and all information received from the Bank of Nova Scotia.*