

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

**YUSUF YUSUF, derivatively on behalf of  
PLESSEN ENTERPRISES, INC.,**

*Plaintiff,*

vs.

**WALEED HAMED, WAHEED HAMED,  
MUFEED HAMED, HISHAM HAMED, and  
FIVE-H HOLDINGS, LLC.,**

*Defendants,*

and

**PLESSEN ENTERPRISES, INC.,**

*Nominal Defendant.*

**CASE # SX-13-CV-120**

**ACTION FOR DAMAGES,  
AND INJUNCTIVE RELIEF**

**JURY TRIAL DEMANDED**

**NOTICE OF FILING OF EXHIBITS 3, 4 and 5 TO MUFEED HAMED'S REPLY TO  
PLAINTIFF YUSUF YUSUF'S OPPOSITION TO HAMED'S MOTION TO COMPEL**

On or about June 2, 2017, Defendant Mufeed Hamed filed his Reply to Plaintiff Yusuf Yusuf's Opposition to Hamed's Motion to Compel (the "Reply"). As filed on or about June 2, 2017, the Reply did not include Exhibits 3, 4 and 5, which are referenced in and relied upon in the Reply. Due to a clerical error that occurred in connection with the preparation for filing of the Reply, Exhibits 3, 4 and 5 were inadvertently omitted from the Reply.

PLEASE TAKE NOTICE that attached hereto are Exhibits 3, 4 and 5 to the Reply.

Respectfully submitted,

**HAMMECKARD, LLP**

Dated: June 12, 2017

By:



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Mark W. Eckard, Esquire (VI Bar No. 1051)  
5030 Anchor Way, Ste. 13  
Christiansted, VI 00824  
Phone: 340-773-6955  
Facsimile: 302-543-2455  
Email: meckard@hammeckard.com

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

**CERTIFICATE OF SERVICE**

I hereby certify that this document complies with the page or word limitation set forth in Rule 6-1(e) and that on June 12, 2017, I served a copy of the foregoing by email, as agreed by the parties, on:

**Gregory H. Hodges**  
**Charlotte K. Perrell**  
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ghodges@dtflaw.com  
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**Jeffrey B. C. Moorhead**  
1132 King Street  
Christiansted, VI 00820  
jeffreymlaw@yahoo.com



---

# **Exhibit 3**

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. )

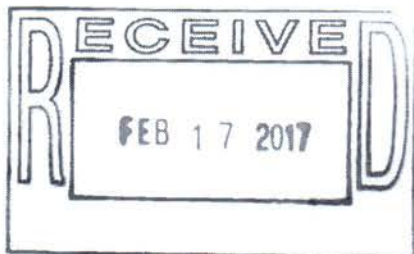
CASE NO. SX-13-CV-120

ACTION FOR DAMAGES,  
DECLARATORY AND  
INJUNCTIVE RELIEF

JURY TRIAL DEMANDED

**PLAINTIFF YUSUF YUSUF'S RULE 34  
RESPONSE TO MUFEED HAMED'S SECOND  
REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiff, Yusuf Yusuf, through its attorneys, Dudley, Topper and Feuerzeig, LLP, hereby submits its Rule 34 Response to Defendant Mufeed Hamed's Second Request for Production of Documents. This Response is being submitted pursuant to Fed. R. Civ. P. 34, as applied to this Court by Superior Court Rule 7.



HAMD641180

~~See response to RTP #4.~~

9. Please provide all document or communications present at or related to, all meetings, conferences or communications between any member of the Yusuf Family and vendors selling to the Hamed family business regarding the alleged embezzlement from the Plessen Account.

**RESPONSE:**

~~Yusuf Yusuf is unaware of documents responsive to this request.~~

10. Please provide all documents evidencing a meeting of the Board of Directors for Plessen Enterprises, Inc. where the Board had voted to make Maher (Mike Yusuf a Plessen director.

**RESPONSE:**

There are no documents responsive to this request. However, Yusuf Yusuf provides Yusuf's were under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

11. Please provide all documents evidencing a meeting of the shareholders of Plessen Enterprises, Inc. where the shareholders had voted to make Maher (Mike) Yusuf a Plessen director.

**RESPONSE:**

There are no documents responsive to this request. However, Yusuf Yusuf provides Yusuf's were under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

12. Please provide all documents showing by a unanimous consent action of the Board of Directors for Plessen Enterprises, Inc. that Maher (Mike) Yusuf had been made a Plessen director.

**RESPONSE:**

There are no documents responsive to this request. However, Yusuf Yusuf provides Yusuf's were under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

13. Please provide all documents showing by a unanimous consent action of the Plessen Enterprises, Inc. shareholders and Maher (Mike) Yusuf had been made a Plessen director.

**RESPONSE:**

There are no documents responsive to this request. However, Yusuf Yusuf shows that Yusuf's were under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

14. Please provide all documents showing by a unanimous consent action of the Board of Directors for Plessen Enterprises Inc. that the size of the Plessen Board of Directors increased to more than three directors.

**RESPONSE:**

There are no documents responsive to this request. However, Yusuf Yusuf shows that Yusuf's were under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

15. Please provide all documents showing by a unanimous consent action of the shareholders for Plessen Enterprises Inc. that the size of the Plessen Board of Directors increased to more than three directors.

**RESPONSE:**

There are no documents responsive to this request. However, Yusuf Yusuf shows that Yusuf's were under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

16. Please provide all documents showing a vote by the Board of Directors for Plessen Enterprises, Inc. to increase the size of the Plessen Board of Directors to more than three directors.

**RESPONSE:**

There are no documents responsive to this request. However, Yusuf Yusuf shows that Yusuf's were under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.



17. Please provide all documents showing a vote by the shareholders of Plessen Enterprises, Inc. to increase the size of the Plessen Board of Directors to more than three directors.

**RESPONSE:**

There are no documents responsive to this request. However, Yusuf Yusuf shows that Yusuf's were under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

~~18. Please provide all of the documents any attorney on behalf of a Yusuf family member submitted to any VI Government official (excluding the VIPD) in connection with *People v. Mufeed Hamed*, SX-15-CR-352 and *People v Waleed Hamed*, SX-15-CR-353.~~

**RESPONSE:**

~~See response to RTP #4.~~

Yusuf Yusuf, et al. (v. Mohammad Hamed, et al.)  
Case No. SX-13-CV-120  
Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's  
Second Request for Production of Documents  
Page 12 of 12

DATED: February 15<sup>th</sup>, 2017

By:

**DUDLEY, TOPPER AND FEUERZEIG, LLP**

  
Charlotte K. Perrell (V.I. Bar #1281)

Law House

1000 Frederiksberg Gade - P.O. Box 756

St. Thomas, VI 00804-0756

Telephone: (340) 715-4422

Facsimile: (340) 715-4400

E-Mail: [cperrell@dtflaw.com](mailto:cperrell@dtflaw.com)

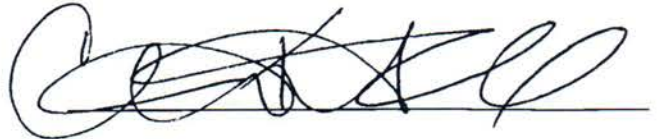
Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

It is hereby certified that on this \_\_\_\_\_ day of February, 2017, I caused a true and exact copy of the foregoing **PLAINTIFF YUSUF YUSUF'S RULE 34 RESPONSE TO MUFEEED HAMED'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS** to be served upon the following via e-mail:

Mark W. Eckard, Esq.  
**HAMM & ECKARD, LLP**  
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E-Mail: [meckard@hammneckard.com](mailto: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](mailto:jeffreymlaw@yahoo.com)



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HAMD641191

# **Exhibit 4**

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. )

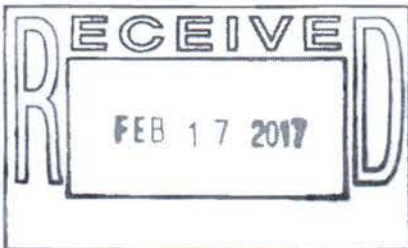
CASE NO. SX-13-CV-120

ACTION FOR DAMAGES,  
DECLARATORY AND  
INJUNCTIVE RELIEF

JURY TRIAL DEMANDED

**PLAINTIFF YUSUF YUSUF'S RESPONSE TO DEFENDANT  
MUFEED HAMED'S SECOND SET OF REQUESTS FOR ADMISSIONS**

Plaintiff, Yusuf Yusuf, through his attorneys, Dudley, Topper and Feuerzeig, LLP,  
hereby provides its Responses to Defendant Mufeed Hamed's Second Set of Requests for  
Admissions:



HAMD641145

*Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 120-YY-00509-511.

Yusuf Yusuf shows that the corporate records for Plessen were outside any of the parties' control for years following the FBI raid in which the corporate records were seized. In April 2014, Carl Beckstedt prepared corporate documents to reflect Mike's position as a director. Attorney Holt advised Carl Beckstedt to the contrary. However, Attorney Beckstedt did not comply but rather advised that he would need to confirm with the parties. Nonetheless, there is not an executed document in the official corporate record book reflecting Mike Yusuf's position as a director.

123. ADMIT or DENY that Mike Yusuf does not have any written consent, or written resolutions or minutes of any meeting, making Mike Yusuf a director of Plessen.

**RESPONSE:**

Admit as to written resolutions or minutes but shows that the Yusufs were under the belief that Mike Yusuf was a director of United as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the *Hamed v. Yusuf et al*, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 120-YY-00509-511.

Yusuf Yusuf shows that the corporate records for Plessen were outside any of the parties' control for years following the FBI raid in which the corporate records were seized. In April 2014, Carl Beckstedt prepared corporate documents to reflect Mike's position as a director. Attorney Holt advised Carl Beckstedt to the contrary. However, Attorney Beckstedt did not comply but rather advised that he would need to confirm with the parties. Nonetheless, there is not an executed document in the official corporate record book reflecting Mike Yusuf's position as a director.

**VERIFICATION**

I hereby certify under penalty of perjury that the facts contained in each of the foregoing responses to requests to admit are true and correct to the best of my knowledge, information and belief.

DATED: 2/15/2017

[Signature]  
YUSUF YUSUF

TERRITORY OF THE U.S. VIRGIN ISLANDS )  
DISTRICT OF St. Croix ) ss.:

On this, the 15 day of February, 2017, before me, the undersigned officer, personally appeared Yusuf Yusuf, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document and acknowledged that he/she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Christine M. Pauly  
Notary Public

CHRISTINE M. PAULY  
Notary Public  
St. Croix, U.S. Virgin Islands  
NP-80-13  
My Commission Expires September 5, 2017



Yusuf Yusuf, et al. (v. Mohammad Hamed, et al.)  
Case No. SX-13-CV-120  
Plaintiff Yusuf Yusuf's Response to Defendant  
Mufeed Hamed's Second Set of Requests for Admissions  
Page 23 of 23

DATED: February 15<sup>th</sup>, 2017

~~BUDLEY, TOPPER AND FEUERZEIG, LLP~~  
By:   
**CHARLOTTE K. PERRELL**  
(V.I. Bar #1281)  
Law House  
1000 Frederiksberg Gade - P.O. Box 756  
St. Thomas, VI 00804-0756  
Telephone: (340) 715-4422  
Facsimile: (340) 715-4400  
E-Mail: [cperrell@dtflaw.com](mailto:cperrell@dtflaw.com)

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

It is hereby certified that on this \_\_\_\_ day of February, 2017, I caused a true and exact copy of the foregoing **PLAINTIFF YUSUF YUSUF'S RESPONSE TO DEFENDANT MUFEEED HAMED'S SECOND SET OF REQUESTS FOR ADMISSIONS** to be served upon the following 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](mailto: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](mailto:jeffreymlaw@yahoo.com)



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# **Exhibit 5**



**Your BUSINESS CHECKING Account Summary**
**BNS SUNNY ISLE BRANCH**  
 P.O. BOX 773  
 CHRISTIANSTED

 1-866-9SCOTIA  
 1-866-972-6842

[www.USVI.scotiabank.com](http://www.USVI.scotiabank.com)
**PLESSEN ENTERPRISES, INC.**

 UNITED SHOPPING PLAZA SION FARM  
 PO BOX 763  
 CHRISTIANSTED VI 00821-0763

**Account Number:** 058-00045012  
**Transit Number:** 30585  
**Statement Period:** 31MAY13 to 30JUN13

**058-00045012 - BUSINESS CHECKING - USD**
**Account Summary**

<b>No. of Deposits</b>	1	<b>Service Charges</b>	\$ 8.50
<b>Deposits</b>	\$ 200.00	<b>Record Keeping Fees</b>	\$ 0.00
<b>No. of Withdrawals</b>	1	<b>Interest Paid</b>	\$ 0.00
<b>Withdrawals</b>	\$ 8.50	<b>Interest Rate</b>	0.00%
<b>Enclosures</b>	0	<b>Annual Percentage Yield Earned (APY)</b>	0.00%

*The interest earned and annual percentage yield earned are based on your average daily balance for the period 31MAY13 through 30JUN13.*

**Your BUSINESS CHECKING Account Summary**

 PLESSEN ENTERPRISES. INC.  
 058-00045012

 1-866-9SCOTIA  
 1-866-972-6842

[www.USVI.scotiabank.com](http://www.USVI.scotiabank.com)

<b>Transactions ( Withdrawals &amp; Deposits ) - 058-00045012</b>			
<b>Transaction Date</b>	<b>Description</b>	<b>Amount</b>	<b>Balance</b>
	<b>OPENING BALANCE</b>		<b>\$ 116,324.90</b>
20JUN	<b>DEPOSIT</b>		\$ 116,524.90
28JUN	<b>SERVICE CHARGE</b>	\$ 200.00 + \$ 8.50 -	\$ 116,516.40
	<b>CLOSING BALANCE</b>		<b>\$ 116,516.40</b>
<b>Total Returned Item Fees This Period</b>		\$ 0.00	<b>Total Overdraft Fees This Period</b>
			\$ 0.00
<b>Total Returned Item Fees Year to Date</b>		\$ 0.00	<b>Total Overdraft Fees Year to Date</b>
			\$ 0.00

