

JOEL H. HOLT, ESQ.P.C.

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U.S. Virgin Islands 00820

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July 21, 2017

Gregory H. Hodges
Stephen Herpel
Charlotte Perrell
Law House, 10000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00802

Charles E. Lockwood, Esq
Nichols Newman Logan Grey & Lockwood, P.C.
No. 1131 King Street, Suite 204
Christiansted, U.S. Virgin Islands 00820-497

**Re: HAMED et. al. V. BNS et. al.
Civil No. 2016-SX-CV-429**

Dear Counsel:

I have set a date in the attached 30b6 deposition as I have to give 30 days' notice since documents were requested. I am willing to adjust the date if the date in the notice is not workable for you.

Cordially,

Joel H. Holt
JHH/jf
Enclosure

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

WALEED HAMED and KAC357, INC.,)	
)	CIVIL NO. SX-16-CV-429
<i>Plaintiffs,</i>)	
v.)	
)	ACTION FOR DAMAGES
BANK OF NOVA SCOTIA,)	
d/b/a SCOTIABANK, FATHI YUSUF,)	
MAHER YUSUF, YUSUF YUSUF,)	
and UNITED CORPORATION,)	
)	
<i>Defendants.</i>)	JURY TRIAL DEMANDED
_____)	

NOTICE OF TAKING RULE 30(b)(6) DEPOSITION

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, the Plaintiffs will take the oral examination of the Defendant Bank of Nova Scotia on **Tuesday, August 29th, 2017 at 10:30 AM** at the office of Joel H. Holt, 2132 Company Street, Christiansted, St. Croix. (340) 773-8709.

DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the Notice shall be governed by the following definitions and instructions:

- A. "Documents" mean any written, printed, typed or graphic matter of any kind or nature however produced or reproduced, whether sent or received or neither, including all drafts and copies bearing notations, marks or matter not found on the original; it includes but is not limited to, all contracts, agreements, representations, warranties, photographs, amendments or modifications thereof; all letters or other forms of correspondence or communications, including but not limited to e-mails, notes, messages and reports studies, analyses, evaluations and all photographs.
- B. "Communication" means all oral, written, printed, videotaped and electronically generated, created or stored communications of any type

whatsoever, including but not limited to, conversations, meetings, telephone conversations, letters, e-mails, video or audio recordings, discussions, memoranda, and electronic messages of any type whatsoever.

C. "You", "yours", "BNS" and "Bank" means the Bank of Nova Scotia

The deponent specified should be the person or persons most knowledgeable about the following areas:

1. The identity, position and activities of each BNS employee who had communications with Fathi Yusuf, Mike Yusuf of any other member of the Yusuf family regarding the accounts of Plessen Enterprises or United Corporation from 2009 to 2012, which shall include but not be limited to:

a. Any person receiving or placing any signature cards, depositor information cards or other information gathering forms in the records or computer systems of BNS;

b. Any account representatives, managers or other persons who had repeated contact with the Yusufs;

c. Any account representatives, managers or other persons who had authority as to the accounts named;

d. The identity of any employee who had communications with Fathi Yusuf, Mike Yusuf of any other member of the Yusuf family regarding the accounts of Plessen Enterprises or United Corporation from March 2013 to June 2013;

e. The identity of any employee who had communications with Fathi Yusuf, Mike Yusuf of any other member of the Yusuf family regarding the accounts of Plessen Enterprises or United Corporation from March 2013 to December 2016.

2. The processes employed in collecting information from the persons opening and maintaining the Plessen Enterprises account.

3. The records BNS has regarding the Plessen Enterprises account. This shall include but not be limited to all signed customer signature, information gathering and other documents and forms designating the signors on the Plessen account.

4. The cashing of the subject check for \$460,000 for Plessen in March of 2013, including, but not limited to.

a. Intra-Bank communications regarding the cashing of the subject check for \$460,000 for Plessen in March of 2013 prior to as well as after cashing of the check.

b. Third party communications regarding the cashing of the subject check for \$460,000 for Plessen in March of 2013 prior to as well as after cashing of the check.

5. Regarding the document attached as **Exhibit A**:

- a. Is this document in the bank files;
- b. Where the document attached as Exhibit A came from;
- c. What searches were done to verify this information.

6. Meetings with the Yusufs or their counsel regarding the cashing of the subject check for \$460,000 for Plessen for the period beginning in March of 2013 after the cashing of the check up to the receipt of a the subpoena from the Government

7. Meetings or communications with, or documents provided to VIPD regarding the cashing of the subject check for \$460,000 for Plessen for the period beginning in March of 2013 after the cashing of the check but *before* any subpoena was received.

8. The searching for and printing out of Plessen Enterprises signatory information in May of 2013.

9. The dissemination or use of the information obtained by the searching for and printing out of Plessen Enterprises signatory information in May of 2013.

10. Any discussions with, and documents provided to VIPD or DOJ prior to or after the receipt of a the subpoena from the Government.

11. Communications with VIPD or VI DOJ after May of 2013.

12. Documents not provided to VIPD or DOJ in response to oral questions or subpoena, and the decision process of what documents were and were not provided to VIPD and DOJ.

13. The decision process to provide the Yusufs, police or DOJ information, but not the Hameds.

14. The relationship between the Yusufs or entities controlled by them, including United Corporation, and BNS, including the value of deposits and business in 2013.

15. Contacts, communications or agreements since January 1, 2013, between BNS or its counsel and the (1) Yusufs or their counsel and (2) Hameds or their counsel.

The deponent is requested to bring to the deposition any and all documents, including photographs and procedures relevant to any of the areas set forth above, and all other items relevant to the items listed above.

Said deposition will be taken before a Notary Public commissioned by the Territory of the Virgin Islands or other person qualified to administer the oath and take depositions. Said deposition is being taken for use as evidence and for purposes of discovery of evidence and may be continued from day to day until completed.

Dated: July 21, 2017



Joel H. Holt, Esq. (Bar # 6)
Counsel for Plaintiffs
Law Offices of Joel H. Holt
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Christiansted, VI 00820
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T: (340) 773-8709/ F (340) 773-8677

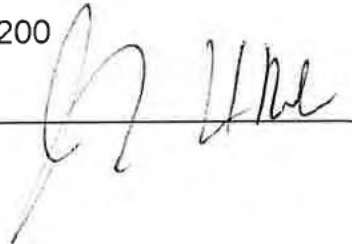
Carl J. Hartmann III, Esq.
Co-Counsel for Plaintiffs
5000 Estate Coakley Bay, L-6
Christiansted, VI 00820
email: carl@carlhartmann.com

CERTIFICATE OF SERVICE

I certify that this filing meets the applicable requirements regarding length and number of words. I also hereby certify that on this 21st day of July, 2017, I served a copy of the foregoing by email, as agreed by the parties, on:

Gregory H. Hodges
Stephen Herpel
Law House, 10000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00802
ghodges@dtflaw.com

Charles E. Lockwood
NICHOLS NEWMAN LOGAN GREY &
LOCKWOOD, P.C.
No. 1131 King Street, Suite 204
Christiansted, U.S. Virgin Islands
00820-4971
(340) 773-3200





New Amendments to
Articles - By Law.
Resolutions

Information Gathering Form - Account for a Private Corporate Entity

NOTE: PLEASE PROVIDE ALL OF THE REQUESTED INFORMATION & DOCUMENTATION TO EXPEDITE THE ACCOUNT OPENING PROCESS; COMPLETE & RETURN THIS FORM TO THE ATTENTION OF _____

SECTION I - DETAILS OF THE COMPANY

1. Full legal name of the company: PLESSEN ENTERPRISES INC.
Trading Name(s) (if applicable): SAME AS ABOVE.

2. Mailing address of the company: P.O. BOX 763
CHRISTIANSTED
ST. CROIX, USVI 00821-0763
Physical address of the company: 4C&D ESTATE SION FARM
CHRISTIANSTED
ST. CROIX, USVI 00820

Telephone number: (340) 778-6240 Facsimile number: (340) 778-1200
E-mail address: _____ Website: _____

3. Number of employees: Full time _____ Part time _____

4. Number of years in business: 12/31/98

5. Number of years at above address: _____

6. Country of incorporation: USVI

7. Address of the Company's Registered Office: 4C&D ESTATE SION FARM
CHRISTIANSTED, ST. CROIX USVI 00820

Telephone number: 340 778-6240 Facsimile number: 340 778-1200

8. Name /address / etc. of primary company contact: WALEED HAMED
4C&D ESTATE SION FARM CHRISTIANSTED, ST. CROIX USVI 00820

Telephone number: (____) 778-6240 Facsimile number: (____) 778-1200
E-mail address: _____

9. Name and address of the company's primary banker:
BANCO POPULAR

Name of Account Manager: Mrs. Patricia Tang Yuk
Telephone number: (340) 693-2940 Facsimile number: 340 693-2940

10. Name and address of the Law Firm that represents the company (if applicable):
BRYANT, BARNES MOSS

Name of Attorney (if specifically assigned, within the firm): CARL A. BECKSTEDT
Telephone number: (340) 773-2785 Facsimile number: 340 773-5427

11. Name and address of the company's Accountant (if applicable):
Telephone number: (____) _____ Facsimile number: (____) _____





12. Provide originals or certified true copies (if originals cannot be provided) of the following corporate documents:

- Certificate(s) of Incorporation / Registration;
- Memorandum and Articles of Incorporation / Association & By Laws;
- Notice of Address or Notice of Change of Address of Registered Office;
- Notice of Directors/Managers or Notice of Change of Directors/Managers;
- Notice of Appointment of Secretary and/or Notice of Change of Secretary;
- Register of Members / Shareholders, including the full name and address of each beneficial owner holding 25% or more of the Company's shares;
- Trade / Business Licenses and Registration documentation;
- Request for Name Search and/or Name Reservation;
- Certificate of Good Standing; or
- Any other documentation requested by the Account Officer.

Note: Whenever documents require renewal, a copy of the "updated" document is to be provided to Scotiabank upon each renewal / re-registration process.

13. If any of the following is itself a corporate entity then the items listed in section 12 are required for each such corporate entity, as well information regarding the following,

- Authorized signatory;
- Directors;
- Beneficial owner holding 25% or more of the Company's shares;
- Any person with principal control over the Company's assets; and
- Any person acting under a power of attorney or any other legal document.

14. Please provide personal information for each officer, director, and shareholder with more than 25% ownership of the company.

Name WALRED HAMED Title GENERAL MANAGER
 Physical Address A C&D ESTATE SION FARM CHRISTIANSTED ST. CROIX 00820
 Mailing Address P.O. BOX 763 CHRISTIANSTED, ST. CROIX USVI 00821-0763
 Date of Birth 01/22/1962.
 Country of Citizenship USA Telephone Number (340) 690-9395
 Email address _____ Social Security Number 580-06-4454

Name MUFEEED HAMED Title MANAGER
 Physical Address SAME AS ABOVE.
 Mailing Address SAME AS ABOVE.
 Date of Birth 10/1/1971
 Country of Citizenship USA Telephone Number (340) 690-0581
 Email address _____ Social Security Number 580-19-5934

Name MAHER YUSUF Title PRESIDENT
 Physical Address #14 ESTATE PLESSEN F' STED ST. CROIX USVI 00841
 Mailing Address P.O. BOX 3649 KINGSHILL, ST. CROIX USVI 00851-3649
 Date of Birth 4/28/1967
 Country of Citizenship USA Telephone Number (340) 690-9396
 Email address _____ Social Security Number 580-17-0046

Name FATHI YUSUF Title TREASURER
 Physical Address #26 A TUTU PARK MALL (ST. THOMAS)
 Mailing Address #26 A TUTU PARK MALL ST. THOMAS USVI 00802
 Date of Birth 4/15/1941
 Country of Citizenship USA Telephone Number (340) 690-9598
 Email address _____ Social Security Number 580-09-1013



12. Provide originals or certified true copies (if originals cannot be provided) of the following corporate documents:

- Certificate(s) of Incorporation / Registration;
- Memorandum and Articles of Incorporation / Association & By Laws;
- Notice of Address or Notice of Change of Address of Registered Office;
- Notice of Directors/Managers or Notice of Change of Directors/Managers;
- Notice of Appointment of Secretary and/or Notice of Change of Secretary;
- Register of Members / Shareholders, including the full name and address of each beneficial owner holding 25% or more of the Company's shares;
- Trade / Business Licenses and Registration documentation;
- Request for Name Search and/or Name Reservation;
- Certificate of Good Standing; or
- Any other documentation requested by the Account Officer.

Note: Wherever documents require renewal, a copy of the "updated" document is to be provided to Scotiabank upon each renewal / re-registration process.

13. If any of the following is itself a corporate entity then the items listed in section 12 are required for each such corporate entity, as well information regarding the following.

- Authorized signatory;
- Directors;
- Beneficial owner holding 25% or more of the Company's shares;
- Any person with principal control over the Company's assets; and
- Any person acting under a power of attorney or any other legal document.

14. Please provide personal information for each officer, director, and shareholder with more than 25% ownership of the company.

Name HISHAM HAMED Title MANAGER
 Physical Address #14 ESTATE PLESSENF STED ST.CROIX, USVI 00841
 Mailing Address P.O. BOX 3649 KINGSHILL, ST.CROIX USVI 00851-3649
 Date of Birth 12/19/1975
 Country of Citizenship USA Telephone Number [REDACTED]
 Email address [REDACTED]

Name YUSUF YUSUF Title MANAGER
 Physical Address 4C&D ESTATE SION FARM CHRISTIANSTED ST.CROIX USVI 00820
 Mailing Address P.O. BOX 763, CHRISTIANSTED, ST.CROIX USVI 00821-0763
 Date of Birth 4/24/1977
 Country of Citizenship USA Telephone Number [REDACTED]
 Email address [REDACTED]

Name _____ Title _____
 Physical Address _____
 Mailing Address _____
 Date of Birth _____
 Country of Citizenship _____ Telephone Number _____
 Email address _____ Social Security Number _____

Name _____ Title _____
 Physical Address _____
 Mailing Address _____
 Date of Birth _____
 Country of Citizenship _____ Telephone Number _____
 Email address _____ Social Security Number _____



Name _____ Title _____
 Physical Address _____
 Mailing Address _____
 Date of Birth _____
 Country of Citizenship _____ Telephone Number _____
 Email address _____ Social Security Number _____

15. Are any of the signatories, officers, shareholders with more than 25% ownership, or their immediate family members; a current or former senior official in the executive, legislative, administrative, military or judiciary of a foreign government or a senior officer of a foreign Political Party, or a senior executive of any entity owned by a foreign government or do they maintain a personal or professional relationship with any such official?
 NO YES _____ (If YES, provide further details as directed by the bank officer).

16. Scotiabank's standard operating documents are generally only provided after all of the account-opening requirements have been fully satisfied. To assist in this process, please complete the following questions regarding the authorized signatories and signing instructions.

A. Provide the name and title of each individual who is authorized to sign on the company's account. Authorized signers are required to provide two pieces of ID in original form (or notarized copy only when authorized by a bank employee) - one (1) primary piece being a government-issued photo-ID (e.g., valid passport, driver's licence) and one (1) secondary piece (e.g., birth certificate, credit card, social security card, etc):

Name WALEED HAMED Title GENERAL MANAGER
 Physical Address _____
 Mailing Address SAME _____
 Date of Birth _____ AS _____
 Country of Citizenship ABOVE Telephone Number _____
 Email address _____ Social Security Number _____

Name MUFEED HAMED Title MANAGER
 Physical Address _____
 Mailing Address SAME _____
 Date of Birth _____ AS _____
 Country of Citizenship ABOVE Telephone Number _____
 Email address _____ Social Security Number _____

Name MAHER YUSUF Title PRESIDENT
 Physical Address _____
 Mailing Address SAME _____
 Date of Birth _____ AS _____
 Country of Citizenship _____ Telephone Number _____
 Email address ABOVE Social Security Number _____

Name FATHI YUSUF Title TREASURER
 Physical Address _____
 Mailing Address SAME _____
 Date of Birth _____ AS _____
 Country of Citizenship _____ Telephone Number _____
 Email address ABOVE Social Security Number _____

Name HISHAM HAMED Title MANAGER
 Physical Address _____
 Mailing Address SAME _____
 Date of Birth _____ AS _____
 Country of Citizenship _____ Telephone Number _____
 Email address ABOVE... Social Security Number _____



Name YUSUF YUSUF Title MANAGER
 Physical Address SAHE
 Mailing Address AS
 Date of Birth _____
 Country of Citizenship _____ Telephone Number _____
 Email address ABOVE Social Security Number _____

B. Indicate the signing instructions for the above named individuals who are required to sign on the company's account (e.g., any one to sign; "A" to sign with either of "B" or "C", etc):
TWO SIGNATURES ARE REQUIRED (one named with one Yusuf) ..

C. Provide names and applicable instructions for persons not authorized to sign on the account, but authorized to obtain the account balance, collect account statements, mail, etc. ID documents are also required as per item # 15:

D. Provide details of any other existing accounts / relationship held with any Scotiabank Group:

E. If so requested, provide a banker's reference on the aforementioned Company, prepared on the applicable Bank's letterhead, and signed by its Manager. If the Company is newly established and does not have an existing banking relationship then the reference is to be provided on the Parent Company / Beneficial Owner(s). The bank reference should comment on the quality of the banking relationship over at least two years, provide full details of the banking arrangements including the date of establishment of the account, type of account, currency of account, present balance, average balance over the previous twelve-month period, credit history, and be specifically addressed to Scotiabank, to provide meaningful support. Facsimile or email references, or references addressed "To Whom It May Concern" are not acceptable.

SECTION 2 PURPOSE FOR THE ACCOUNT AND ANTICIPATED ACCOUNT ACTIVITY

1. Reason &/or purpose for requiring accounts(s) with Scotiabank, (including referral source if applicable):

~~---This Account is already existing---~~

2. Detailed overview of the Company's primary business activity (e.g., business / products / services provided and how distributed to clients); type of operations; countries in which/ to which transactions are processed; etc. (attach brochures of articles with pertinent information):

RETAILED SUPERMARKET.



3. Financial year end: December 31, 2011
 Please provide a copy of the Company's latest financial statements or Annual Report. Attached
 If the Company is a subsidiary then provide a copy of the parent company's Annual Report, Attached
 & Corporate Tree detailing ownership particulars (as applicable). In-house financials are to be provided if
 Accountant-prepared statements are not available.

4. Indicate the type of each account required (e.g., Checking Account, Certificate of Deposit, Call Deposit) and
 services required (e.g., wire transfers, letters of credit):

CHECKING ACCOUNT

5. Scotiabank is required by law to satisfy itself as to the source of funds for deposits (e.g., from sales, dividends, inter-
 company loans, etc). Also indicate from where, &/or from whom, funds for deposits are received. (Scotiabank
 reserves the right to request additional documentary evidence to support the information provided):

RENT OF REAL PROPERTY

6. Provide details of the anticipated activity in # 7 below. Material change (i.e., in excess of 20%) in the activity
 projected, requires that the company immediately notify the Account Manager / Relationship Officer, and discuss
 with him/her whatever supporting information may be required to support the new statistics:

7. Normal & Expected Activity:

Number of checks expected to be issued in the average month: 1-50 51-100 101-150 151+
 Total \$ value; 1,000.00 \$ \$ \$ \$
 Major Suppliers / Customers and average payments to them per month:

SMALL INVOICES AMOUNT

Largest amount of check (and its beneficiary) issued in the average month;

NONE

Large check payments at irregular intervals (e.g., Payment to primary auto parts supplier - ABC Suppliers Ltd -
 \$xxx per quarter; XYZ Corporation - oil & batteries supplier - Sygg semi-annually, etc);

PROPERTY TAX

Anticipated wire payments per month; NONE 1-5 6-9 10-15 15+
 Total \$ value; \$ \$ \$ \$
 Major Suppliers / Customers and average payments to them per month:

Number of anticipated deposits in the average month; 1-10 11-20 21-40 41+
 Total \$ value; 30,000.00 \$ \$ \$ \$



7. Normal & Expected Activity (cont'd):

Composition of the above deposits

	Checks	Wires	Cash	Drafts / Money Orders
Total \$ value;	\$	\$	\$	\$
Major Clients and average payments by them, per month:				

Letters of Credit &/or Collections Payments (i.e. for goods purchased from a Supplier);
Major Clients and anticipated amounts:

NONE

8. Will this account be used to conduct business on behalf of someone other than the named account holder (s) (third party)? Yes ~~(No)~~ If "yes" provide details and supporting documentation for further review/discussion (as advised by the Bank Officer).
[Note for Bank: If the reply is yes, record personal information of the third party and obtain identification and two letters of reference (if the third party is a non-resident)]

9. IMPORTANT INFORMATION ABOUT UNLAWFUL INTERNET GAMBLING

The Unlawful Internet Gambling Enforcement Act of 2006 ("UIGEA" or the "Act") and its implementing Regulation GG prohibit any person from knowingly accepting payments in connection with the participation of another person in unlawful Internet gambling.

The Act generally defines "unlawful Internet gambling" as placing, receiving, or otherwise knowingly transmitting a bet or wager (as defined by the Act) by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State Law.

I/we hereby certify the above-named business does NOT engage in an Internet gambling business of any kind, either legal or illegal, and will notify Scotiabank if this activity occurs.

10. I/We certify that to the best of our knowledge the information provided herein is accurate. If there are any subsequent changes to any of the information/documentation, we will notify Scotiabank by a signed letter.

I/We authorize the Bank to obtain independent verification from any public &/or internal sources, with respect to this application and in accordance with anti money laundering & anti terrorist financing laws & regulations.

I/We acknowledge that this account will be open for review by Compliance Officers and Auditors and by local government Auditors and Inspectors, subject to appropriate confidential restrictions by the bank.

I/We further confirm that all credits to the account are and will be beneficially owned by the company (or as detailed in Item # 8).

Disclosure of information:

While the Bank is committed to protect the privacy and security of the information provided, it may be necessary to disclose information:

- o In response to credit enquiries from qualified legal financial institutions (usually with respect to the customer's application at said financial institution);
- o If the Bank in its discretion reasonably deems such disclosure necessary or desirable in furtherance of the customer's business;
- o Pursuant to legal process or subpoena served on the bank, and
- o If disclosure is reasonably necessary to protect the Bank's interests (the bank will usually notify the customer where permissible under the applicable legal process).



The Customer hereby consents to and authorizes such disclosure, and the Bank shall not become liable by reason of the giving of any such information or of it's being inaccurate or incomplete.

IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify, and record information that identifies each person who opens an account.

What this means for you: When you open an account, we will ask for your name, address, date of birth, and other information that will allow us to identify you. We will ask to see two forms of identification, one of which must have a picture. We may also request other identifying documents.

Signature: [Handwritten Signature]
Director / Authorized Signatory

Signature: [Handwritten Signature]
Director / Authorized Signatory

Date: _____

For Bank Use Only:

Country of Risk _____

SIC Code _____

Assigned Risk Rating (H, M, L) _____

Reviewed by _____
(Bank Officer)

Date: _____

Authorized by _____
(Bank Officer)

Date: _____



The Customer hereby consents to and authorizes such disclosure, and the Bank shall not become liable by reason of the giving of any such information or of it's being inaccurate or incomplete.

IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify, and record information that identifies each person who opens an account.

What this means for you: When you open an account, we will ask for your name, address, date of birth, and other information that will allow us to identify you. We will ask to see two forms of identification, one of which must have a picture. We may also request other identifying documents.

Signature: [Handwritten Signature]
Director / Authorized Signatory

Signature: [Handwritten Signature]
Director / Authorized Signatory

Date: 2/3/12

For Bank Use Only.

Country of Risk _____

SIC Code _____

Assigned Risk Rating (H, M, L): _____

Reviewed by: _____
(Bank Officer)

Date: _____

Authorized by: _____
(Bank Officer)

Date: _____