

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

HISHAM HAMED, individually, and
Derivatively, on behalf of **SIXTEEN
PLUS CORPORATION**,

Plaintiff,

vs.

FATHI YUSUF, ISAM YOUSUF and
JAMIL YOUSEF,

Defendants.

and

SIXTEEN PLUS CORPORATION,

a nominal Defendant,

CIVIL NO. SX-16-CV-650

DERIVATIVE SHAREHOLDER
SUIT, ACTION FOR DAMAGES
AND CICO RELIEF

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF
JAMIL YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S
FIRST REQUEST FOR INTERROGATORIES TO DEFENDANT JAMIL YOUSEF**

COMES NOW defendant, **JAMIL YOUSUF** (incorrectly referred to in the caption as Jamil Yousef"), by and through his undersigned attorneys, the Law Offices of James L. Hymes, III, P.C. (***James L. Hymes, III, of Counsel***), does not voluntarily appear in this matter, does not submit to the jurisdiction of the Court, and does not waive any objections to subject matter jurisdiction, personal jurisdiction, improper venue, insufficiency of process, insufficiency of service of process, or failure to state a claim upon which relief can be granted, or any other defense or objection which may be

HISHAM HAMED, Individually, and derivatively, on behalf of SIXTEEN PLUS CORPORATION vs.
FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF
SCVI/STX Civil No. SX-16-CV-650
NOTICE OF SERVICE OF JAMIL YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S FIRST REQUEST FOR
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presented whether by pleading or motion in this action, and pursuant to the provisions of LRCI 26.2(c) and Fed.R.Civ.P. 26(a)(1), provides notice that his Response to Plaintiff Hisham Hamed's First Request for Interrogatories to Defendant Jamil Yousef has been served upon plaintiff's counsel, with copies to the remaining counsel of record as set forth in the Certificate of Service, below.

Respectfully Submitted

DATED: August 8, 2017.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
Counsel for Defendants –
Isam Yousuf, and Jamil Yousuf

By:


JAMES L. HYMES, III

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CERTIFICATE OF SERVICE

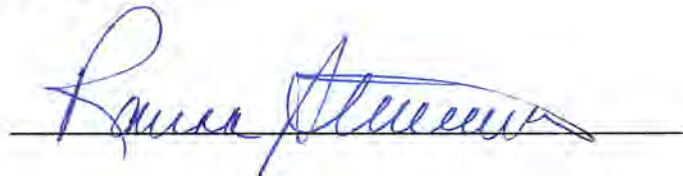
I hereby certify this document complies with the page or word limitation set forth in V.I. R. Civ. P. 6-1(e) and that on this the 8th day of August, 2017, I caused an exact copy of the foregoing ***“Notice of Service of Jamil Yousuf’s Response to Plaintiff Hisham Hamed’s First Request for Interrogatories to Defendant Jamil Yousef”*** together with the Response referred to therein, to be served electronically by e-mail, and by mailing same, postage pre-paid, to the following counsel of record:

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

HISHAM HAMED , individually, and Derivatively, on behalf of SIXTEEN PLUS CORPORATION ,)	
)	
Plaintiff,)	CIVIL NO. SX-16-CV-650
)	
vs.)	DERIVATIVE SHAREHOLDER SUIT, ACTION FOR DAMAGES AND CICO RELIEF
)	
FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF ,)	JURY TRIAL DEMANDED
)	
Defendants.)	
)	
and)	
)	
SIXTEEN PLUS CORPORATION ,)	
)	
a nominal Defendant,)	
)	

**JAMIL YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S
FIRST REQUEST FOR INTERROGATORIES TO DEFENDANT JAMIL YOUSEF**

The Defendant, **JAMIL YOUSUF** (incorrectly referred to in the caption as Jamil Yousef"), by and through his undersigned attorney, James L. Hymes, III, does not voluntarily appear in this matter, does not submit to the jurisdiction of the Court, and does not waive any objections to subject matter jurisdiction, personal jurisdiction, improper venue, insufficiency of process, insufficiency of service of process, or failure to state a claim upon which relief can be granted, or any other defense or objection which may be presented whether by pleading or motion in this action, hereby responds to Plaintiff's First Request For Interrogatories to Defendant Jamil Yousef, as follows:

I. GENERAL OBJECTIONS

JAMIL YOUSUF, incorporates the following general objections into each and every interrogatory response as set forth below, and further, by submitting his responses to these Interrogatories, does not voluntarily appear in this matter, does not submit to the jurisdiction of the Court, and does not waive any objections to subject matter jurisdiction, personal jurisdiction, improper venue, insufficiency of process, insufficiency of service of process, or failure to state a claim upon which relief can be granted, or any other defense or objection which may be presented whether by pleading or motion in this action, including those set forth in his Motion to Dismiss Plaintiff's First Amended Complaint:

1. Jamil Yousuf objects to that portion of plaintiff's instructions and definitions to the extent that they impose any burden on him not specifically provided for by the Virgin Islands Rules of Civil Procedure.

2. Jamil Yousuf objects to each interrogatory to the extent that any full answer thereto would require this defendant to divulge information, documents, or communications protected by the attorney-client privilege or the attorney work product doctrine, or to the extent that it seeks information or documents reflecting attorney/client communications, attorney work product, or the work product of non-attorneys prepared for, or under the direction of an attorney, or in anticipation of litigation or for trial preparation.

3. Jamil Yousuf objects to each interrogatory to the extent that it seeks information or documents outside of his possession and custody, or in the control of a third-party over whom he has no power.

4. Jamil Yousuf objects to each interrogatory to the extent it is overly broad, unduly vague, or ambiguous.

5. Jamil Yousuf objects to each interrogatory to the extent it requires the production of information which would be burdensome, oppressive, or expense to produce.

6. Jamil Yousuf objects to each interrogatory to the extent that it seeks information that is not, in any meaningful way, related to the parties' claims or defenses.

7. Jamil Yousuf objects to each interrogatory, or any portion thereof, that seeks information on matters of public record, or other information to which plaintiff has equal access.

8. Jamil Yousuf objects to each interrogatory, or portion thereof, which requires a response that may contain or reflect subsequent remedial measures or reflect information protected by the privilege of self-critical evaluation.

9. Jamil Yousuf objects to each interrogatory to the extent it seeks information not calculated to lead to the discovery of relevant or admissible evidence.

10. Jamil Yousuf objects to any inadvertent disclosure of privileged information being deemed a waiver, or being used affirmatively against them for any reason or purpose.

11. Jamil Yousuf objects to each interrogatory to the extent that it seeks information in excess of the numerical limitation including all discrete subparts.

II. INTERROGATORIES

Interrogatory 1:

Please state your full name, including all spellings you have used, any nicknames, date of birth and every address where you have resided since January of 2008.

Response:

My full name is Jamil Isam Yousuf. I was born on November 21, 1984. I lived at No. 15 Airport Rd., Simpson Bay, St. Maarten, between 2008 – 2010. From 2010 to the present, I reside at 3D Billy Fully Road, Cole Bay, St. Maarten

Interrogatory 2:

Please state the name and address of each place you have worked or been self-employed between 2008 and 2017 and for each such place, please state:

- a) Your job title(s) or position(s)
- b) Your rate(s) of pay
- c) The time you started and the time you left each such job

Response:

Between 2008 – 2011, I was the hotel manager of Travel Inn Hotel in St. Maarten. I was paid \$15.00 per hour.

From 2011 to the present, I have been self-employed as the owner of East Motor in St. Maarten.

Interrogatory 3:

Regarding any communications you have had with Fathi Yusuf from 2008 to present that you can recall regarding any matters related to Manal Yousef, Sixteen Plus, or anything to do with the Manal Yousef's loan to Sixteen Plus, please state:

- a) The date and place of each such communication;
- b) The specifics, and if specifics are not recalled, the general nature or gist of each conversation; and
- c) For each such communication, state where you were located when it occurred.

Response:

I have had no communications with Fathi Yusuf regarding this case.

Interrogatory 4:

Regarding any communications you have had with Manal Mohammad Yousef from 2008 to present that you can recall regarding any matters related to Fathi Yusuf, Sixteen Plus, or anything to do with Manal Mohammad Yousef's loan to Sixteen Plus, please state:

- a) The date and place of each such communication;
- b) The specifics, and if specifics are not recalled, the general nature or gist of each conversation; and
- c) For each such communication, state where you were located when it occurred.

Response:

I met Manal Yousuf in Jordan in July 2012. At that time she gave me a General Power of Attorney to act on her behalf and in her stead, as if she were personally present to do so, to seek foreclosure of her mortgage, and to handle any legal matter associated therewith. Since then I have spoken with her on many occasions on the telephone to keep her advised and updated on the progress of this case. I have no record or recollection of the dates on which any of these phone calls took place. All of my telephone conversations with her have been initiated by me in St. Maarten, to her in Palestine where she resides, or from her in Palestine to me in St. Maarten. She has authorized me to act on her behalf to retain the services of Attorney Kye Walker to represent her in connection with the defense of this case, and to subsequently substitute James L. Hymes, III for attorney Walker as her defense attorney.

Interrogatory 5:

Please state all residential addresses you or Isam Yousuf physically resided at for more than 1 month from 1990 to present, including the dates resided at each location.

Response:

My residential addresses from 2008 to the present are set forth in my Response to Interrogatory 1, above. I lived at 1550 N.E. 123rd St., Miami, FL 33161, between 2003 and 2007. Isam Yousuf has provided his residential addresses from 1992 to the present in his Response to Interrogatory 1 in a separate set of Interrogatories addressed to him in Case No. 2016-SX-CV-650.

Interrogatory 6:

Please state all residential addresses you know or believe Manal Mohammad Yousef physically resided at for more than 1 month from 1990 to present, including the dates she resided at each location.

Response:

I moved to St. Maarten in 2007. I have no knowledge of where Manal Mohammad Yousef physically resided prior to that time. In 2007, she was living in Cole Bay, St. Maarten. In 2010, she moved to the West Bank, Ramallah, Palestine.

Interrogatory 7:

Regarding the Power of Attorney ("POA") attached as Exhibit 2, please state:

- a) What, if anything, did you do to assist in having this POA signed by Manal Mohammad Yousef; and
- b) What, if anything, did Fathi Yusuf or Isam Yousuf tell you about this POA.

Response:

I did not do anything to assist in having the Power of Attorney signed by Manal Mohammad Yousef. I had no discussions with Fathi Yusuf about the Power of Attorney. I was told by my father that it was sent to Manal Mohammad Yousef for execution by her by Waleed Hamed, since my aunt was preparing to return to Palestine. Mr. Hamed expected to receive an offer to purchase the land against which my aunt had recorded her mortgage. This Power of Attorney would facilitate a sale if one should occur and assist my aunt being paid the money she was owed by the Sixteen Plus Corporation.

Interrogatory 8:

Did you ever come into possession of the summons issued to Manal Mohammad Yousef attached as Exhibit 3? If so, please state:

- a) What you did once you received it?
- b) The name and address of anyone you discussed the summon with?
- c) Who you sent copies of the summons to, if anyone?
- d) Whether you ever told Manal Mohammad Yousef about the summons,

Response:

Once I received the summons I contacted my father. At that time I discussed it with him, and Manal Mohammad Yousef. After my retention of Attorney Walker I sent her a copy of the Summons and discussed it with her. And after his substitution for Attorney Walker, I discussed it with Attorney Hymes.

Interrogatory 9:

Regarding any communications you have had with any lawyers in St, Martin, including the lawyer who sent the letter attached as Exhibit 4, from 2012 to present that you can recall related to any discussions involving Sixteen Plus, Manal Mohammed Yousef or anything to do with the Manal Yousef's loan to Sixteen Plus, please state:

- a) The date and place of each such communication;
- b) The specifics, and if specifics are not recalled, the general nature or gist of each conversation; and
- c) For each such communication, state where you were located when it occurred.

Response:

I went to the office of Attorney Snow in St. Maarten in December, 2012. All of my conversations with him occurred in his office. The general nature or gist of our conversation concerned the collection of the money owed to my aunt by the Sixteen Plus Corporation.

Interrogatory 10:

Regarding any communications you have had with any lawyers in the Virgin Islands, including Nizar DeWood, Greg Hodges, Stefan Herpel and Kye Walker from 2014 to present that you can recall related to any discussions involving Sixteen Plus, Manal Mohammed Yousef or anything to do with Manal Yousef's loan to Sixteen Plus, please state:

- a) The date and place of each such communication;
- b) The specifics, and if specifics are not recalled, the general nature or gist of each conversation; and
- c) For each such communication, state where you were located when it occurred.

Response:

I retained the services of Attorney Walker in May, 2016, by telephone on behalf of my aunt pursuant to the General Power of Attorney given to me by her. I have communicated with her since then by telephone or e-mail from St. Maarten. I cannot recall the exact dates of any of my telephone conversations with her. The substance of these communications are privileged communications between attorney and client. They included the mental thoughts and impressions of my attorney, her analysis of the case, and strategy for handling same. I have never spoken with Nizar DeWood, Greg Hodges or Stefan Herpel.

Interrogatory 11:

Regarding Exhibit 5 attached, please state:

- a) Who prepared this document;
- b) Who asked you to sign this document; and
- c) Had you spoken to Manal Mohammad Yousef at any time after the date of the summons identified as Exhibit 3 (April 5, 2016) before signing Exhibit 5 on May 3, 2017?

Response:

Exhibit 5 was prepared by Attorney James L. Hymes, III, who asked me to sign it. I spoke to Manal Mohammad Yousef after the date of the summons identified as Exhibit 3, and before signing Exhibit 5 on May 3, 2017.

Interrogatory 12:

Regarding 25 Gold Finch Road, Pointe Blanche Sint Maartin, please state:

- a) Who resides at this address?
- b) If you have not lived at this address since 2015, how did you learn about this lawsuit?
- c) If you have not lived at this address since 2015, how did you learn about the lawsuit that Sixteen Plus filed against Manal Mohammad Yousef?

Response:

No one lives at 25 Gold Finch Rd., Pointe Blanche, St. Martin. The maintenance man for that property brought the summons to me and informed me that he found it outside the door to the premises. I have never lived at that address. My first knowledge of the lawsuit that Sixteen Plus Corporation filed against Manal Mohammad Yousef was by reading the summons which was given to me by the maintenance man.

VERIFICATION


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

Dated: July 14, 2017 _____
Jamil Yousuf

Emmaplein, Philipsburg, _____)
_____) ss.
Sint Maarten, Dutch Caribbean _____)

On this, the 14th of July day of 2017, before me, the undersigned officer, personally appeared Jamil Yousuf, ~~known to me~~ (or satisfactorily proven) to be the person whose name is subscribed to the within document and acknowledged that he executed the same for the purpose therein contained.

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

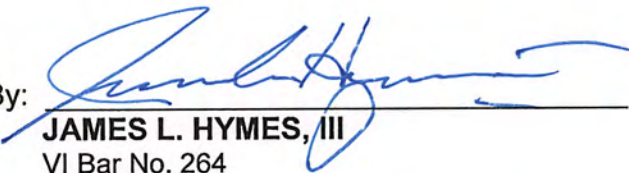
 _____
Notary Public (a civil law notary)
Marlene Françoise Mingo

Seen for legalization of the signature of JAMIL ISAM YOUSUF, who identified himself with a passport, issued by the United States of America, under number 499229108, by me, Marlene Françoise Mingo, LL.M., a civil law notary, established on Sint Maarten, on this 14th day of July, 2017. This declaration for the legalization of the signature, by the civil law notary, contains no opinion as to the contents of this document.

HISHAM HAMED, Individually, and derivatively, on behalf of SIXTEEN PLUS CORPORATION vs.
FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF
SCVI/STX Civil No. SX-16-CV-650
JAMIL YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S FIRST REQUEST FOR INTERROGATOIRES TO DEFENDANT JAMIL YOUSEF

DATED: 7/27, 2017.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
Counsel for Defendants –
Isam Yousuf, and Jamil Yousuf

By: 
JAMES L. HYMES, III

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