

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

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

Plaintiff,

v.

**FATHI YUSUF, ISAM YOUSUF and
JAMIL YOUSEF**

Defendants,

and

SIXTEEN PLUS CORPORATION,

a nominal Defendant.

Case No.: 2016-SX-CV-650

**DERIVATIVE SHAREHOLDER
SUIT, ACTION FOR DAMAGES
AND CICO RELIEF**

JURY TRIAL DEMANDED

**NOTICE OF FILING OF SUPPLEMENTAL DECLARATION RE
ISAM AND JAMIL YOUSUF'S MOTION TO DISMISS**

The Plaintiff, pursuant to V.I. R. CIV. P. 6-1(d)(2), files a supplemental declaration in support of its position on the pending motions of the Yousef's Motion to Dismiss, which is being filed more than 10 days prior to the August 23rd hearing.

Appended as **Exhibit 1** is the declaration of Joel Holt attaching discovery materials that are relevant to the pending issues in this case regarding the two Yousufs' challenge to this Court's personal jurisdiction over them. These items show their past and current activities in this jurisdiction, committing acts in furtherance of the alleged CICO conspiracy.

Dated: August 10, 2017



Joel H. Holt, Esq. (Bar # 6)
Counsel for Plaintiffs
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CERTIFICATE OF WORD/PAGE COUNT

This document complies with the page or word limitation set forth in Rule 6-1 (e).



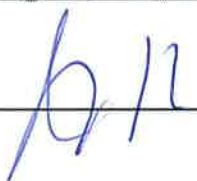
CERTIFICATE OF SERVICE

I hereby certify that on this August 10, 2017, I served a copy of the foregoing by email, as agreed by the parties, as well as a copy hand delivered to James Hymes at the address below, on:

Greg Hodges, Esq.
Stefan Herpel, Esq.
Lisa Komives, Esq.
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JURY TRIAL DEMANDED

DECLARATION OF JOEL H. HOLT

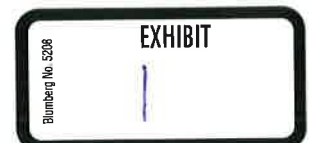
I, Joel H. Holt, declare, pursuant to V.I. R. CIV. P. 84, as follows:

1. I am counsel of record for the Plaintiffs and am familiar with the facts set forth herein.
2. Attached as **Exhibit A** are interrogatory responses from Jamil Yousuf showing some of his activities in this jurisdiction.
3. Attached as **Exhibit B** are interrogatory responses from Isam Yousuf showing some of his activities in this jurisdiction.

I declare under penalty of perjury that the foregoing is true and correct, executed on this
10th day of August, 2017.



JOEL H. HOLT



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

**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:



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 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 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.

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,)

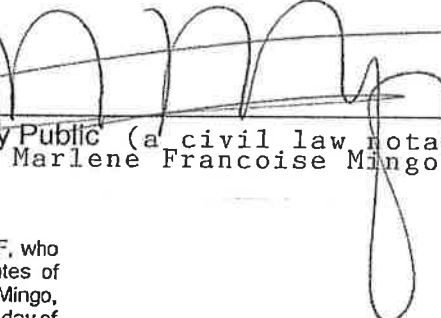
) ss.

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.

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

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

The Defendant, **ISAM YOUSUF** (incorrectly referred to in the caption as Jamil Yousefⁿ), 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 Isam Yousuf, as follows:



Interrogatory 2:

Please state the name and address of each place you have worked or been self-employed between 1986 and 2017 and for each such place, please state:

- a) All of 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 1986 and 1989, I was the self-employed owner of Sosamag Supermarket, Rue de General DeGaulle, French St. Maarten.

Between 1986 and 2001, I was the manager/shareholder of Island Appliances, Canigater Street, Dutch St. Maarten.

Between 1996 and 2001, I was the manager/ shareholder of Dyson's Island Furniture, St. Maarten.

Between 2001 to the present, I have been the manager/shareholder of Travel Inn Hotel, St. Maarten

between 2010 – 2017 I have been the manager/shareholder of Simpson Bay suites, St. Maarten

Interrogatory 9:

Regarding the information listed on page 6 of Exhibit 2 as well as Exhibit 3 that are attached, please explain:

- a) Why you had BFC Island Appliance transfer \$2,000,000 to Sixteen Plus on or about February 19, 1997;
- b) How you and/or BFC Island Appliance obtained the \$2,000,000 to transfer to Sixteen Plus on or about February 19, 1997; and
- c) Who instructed you to send the funds.

Response:

The Two Million Dollars (\$2,000,000) which was transferred by Island Appliance to Sixteen Plus Corporation on or about February 19, 1997, was money belonging to Manal Mohammad Yousef which I was handling for her. This transfer was part of the loan by her to the corporation. Manal Mohammad Yousef's father had made deposits for her benefit into my account since 1990, or before, on many different dates. I was always under instructions to look for investments for her, and the order to transfer the money came from her father.

Interrogatory 10:

Regarding the information listed on page 6 of Exhibit 2 and Exhibit 4 that are attached, please explain:

- a) Why you had BFC Island Appliance transfer \$2,000,000 to Sixteen Plus on September 4, 1997;
- b) How you and/or BFC Island Appliance obtain the \$2,000,000 to transfer to Sixteen Plus on September 4, 1997;
- c) Who instructed you to send the funds to Sixteen Plus; and
- d) List what Bank Officers were involved in handling this transaction.

Response:

See Responses to Interrogatories 7, 8, and 9, above. The transfer of Two Million Dollars (\$2,000,000) from the Island Appliance account to Sixteen Plus Corporation on September 4, 1997, was a transfer of money belonging to Manal Mohammad Yousef which had been given to her by her father for investment purposes. I handled the necessary instructions to send the funds to Sixteen Plus Corporation. I have no present recollection of the names of any bank officers involved in this transaction since it occurred so many years ago.

Interrogatory 12:

Regarding any communications you have had with any lawyers in the Virgin Islands, including Nizar DeWood, Gregory 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 have no recollection of ever having spoken with Attorney Greg Hodges and Attorney Stefan Herpel.

I spoke on the telephone with Attorney Kye Walker and answered questions she had regarding the loan to Manal Yousef.

I spoke with Mr. DeWood in person in his office regarding investments with Merrill Lynch.

Interrogatory 16:

Please state the date of all trips to the United States Virgin Islands since 1996 and for each such trip, please state:

- a) The date of said trip;
- b) The purpose for said trip;
- c) The gist of your conversation on each such trip with Fathi Yusuf, James Ross, Nizar Dewood or Waleed Hamed on any such trip; and
- d) The name and address of each person you can recall you spoke with in each trip other than Nizar Dewood, Fathi Yusuf and Waleed Hamed.

Response:

I have no recollection of having made a trip to the U.S. Virgin Islands prior to 2001. The only trip I made to the U.S. Virgin Islands after 2001 was in March, 2015. The purpose of the trip was to visit with the offices of Merrill Lynch with Waleed Hamed and Fathi Yusuf. The purpose of my trip and my discussions was to try to solve the problems between Mr. Hamed and Mr. Yusuf, and to see if the loan which my sister made to the Sixteen Plus Corporation could be repaid. My discussions with Nizar DeWood were for this same reason.

My discussions with James Ross concerned investments for the benefit of my wife. In addition, since I used to live in the Virgin Islands many years ago, I also spoke on a social basis with many of the Arab people in the Virgin Islands, as well as local people who I have known for a long time. These discussions were unrelated to this litigation.

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: 7/19/2017 [Signature]
Isam Yousuf

)
) ss.
)

On this, the 19th day of July of 2017, before me, the undersigned officer, personally appeared Isam 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.

[Signature]
Notary Public
(a civil law notary)
Marlene Francoise Mingo



Seen for legalization of the signature of ISAM MOHAMAD YOUSUF, who identified himself with a passport, issued by the United States of America, under number 482522158, by me, Marlene Françoise Mingo, LL.M., a civil law notary, established on Sint Maarten, on this 19th 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.