

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
_____)	

AMENDED 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 **Monday, September 18, 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 or 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 or 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 or 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: August 23, 2017



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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 23rd day of August, 2017, I served a copy of the foregoing by email, as agreed by the parties, on:

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