

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    |
| <hr/>                          |   |                        |

**PLAINTIFF HAMED'S FIRST INTERROGATORIES  
TO THE BANK OF NOVA SCOTIA**

Plaintiff Hamed, by counsel, propounds the following first interrogatories pursuant to Rule 33 of the *Virgin Islands Rules of Civil Procedure* (V.I. R. CIV. P.) on Defendant BNS, and requests responses within thirty (30) days as per the Order of the Court dated October 31, 2017.

**INSTRUCTIONS**

If any of the following Interrogatories cannot be answered in full, please answer to the extent possible, specify the reason for your inability to answer the remainder and state whatever information or knowledge you have concerning the unanswered portion. Where your investigation is incomplete, give all information known as of the date of signing your answer. Where exact data is unavailable, supply estimated data, indicate that you have done so, and explain the basis on which the estimate was made.

If you decline to answer any interrogatory, or portion of any interrogatory, on a claim of privilege or other basis for withholding an answer, such as the work product

doctrine, state each privilege or other basis for withholding claimed and describe in detail all foundational facts upon which you base such claim of privilege or basis for withholding.

It is requested that all copies of all documents identified in response be attached to the answers to the responses to these Interrogatories as an exhibit. Please take notice that these Interrogatories are deemed to be continuing up to and including the first day of trial of this action. If at any time, you or any person acting on your behalf obtains additional information called for by these Interrogatories between the time of your response and the time set for trial, please serve supplemental sworn answers setting forth such information.

The words "**and**," as well as "**or**," shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the specifications all responses which might otherwise be construed to be outside its scope.

Terms in the plural include the singular and terms in the singular include the plural; the use of one gender shall include all others as appropriate in the context.

These interrogatories are continuing in nature so as to require **you, the Defendant**, to file supplemental answers if any additional or different information responsive to these interrogatories is discovered or obtained subsequent to the filing of answers to these interrogatories.

### **TERMS AND MEANINGS**

The terms used in this Discovery have the following meaning:

As used herein, the term "document(s)" is used in its broadest sense to include, by way of illustration only and not by way of limitation, all originals and non-identical

copies of any writing or any other tangible thing or data compilation in the custody, possession or control of the Defendant - whether printed, typed, reproduced by any process, written or produced by hand, including any graphic matter however produced or reproduced, or produced by any other mechanical means and all data, either electronic, magnetic, chemical, mechanical, or other form of data storage capable of being transformed into written or oral matter, including, but not limited to, CD-ROMs, DVDs, computer disks, Hard-drive computer storage mediums - including e-mails, letters, affidavits, filings, engineering studies and for tests, reports, agreements, communications, correspondence, permits, accounting records, business records, contracts, letters of agreements, telegrams, mailgrams, memoranda, summaries and/or records of personnel or telephone conversations, diaries, calendars, forecasts, photographs, tape recordings, facsimiles, models, statistical statements, graphs, charts, plans, drawings, service and/or pump data, logs, minutes or records of meetings, minutes or records of conferences, reports and /or summaries of interviews, reports, conversations, summaries of investigations, opinions or reports of consultants, topographical or geological maps or surveys, appraisals, records, reports or summaries of negotiations, drafts of any document, revisions of drafts of any document, purchase orders, invoices, receipts, original or preliminary notes, financial statements, accounting work papers, promissory notes, film, microfilm, microfiche, punch cards, slides, pictures, videotapes, moving pictures, computer programs, laboratory results, magnetic tapes or any other matter which is capable of being read, heard or seen with or without mechanical or electronic assistance.

"Communication" means any correspondence, contact, discussion, exchange, contract, or agreement between any two or more persons. Without limiting the foregoing, "communication" includes all documents, as defined above, telephone conversations, internet communications, e-mail, facsimile transmissions, voice mail, face-to-face conversations, meetings, and conferences.

### **DEFINITIONS**

None.

### **INTERROGATORIES**

1. List the date and time of each meeting or conversation Fathi Yusuf, his counsel or any of his sons have had with BNS, its employees, counsel or management from March 2013 to present relating to, or in which the Hameds or Plessen were discussed; and for each such meeting state:
  - a) all persons who attended for all or part of any such meeting;
  - b) the subject of the meeting;
  - c) any document reviewed or exchanged and the location and time.

2. List the date and time of each meeting or conversation BNS, its employees, counsel, or managers has had with VIPD, its employees, counsel or management from March 2013 to present relating to, or in which the Hameds or Plessen were discussed; and for each such meeting state:
  - a) all persons who attended for all or part of any such meeting;
  - b) the subject of the meeting;
  - c) any document reviewed or exchanged and the location and time.

3. List the date and time of each meeting or conversation BNS, its employees, counsel, or managers has had with the USVI AG's Office, its employees, counsel or management from March 2013 to present relating to, or in which the Hameds or Plessen were discussed; and for each such meeting state:
  - a) all persons who attended for all or part of any such meeting;
  - b) the subject of the meeting;
  - c) any document reviewed or exchanged and the location and time.

4. 4. Please identify all documents received from or given to the Yusufs, VIPD or VI AG from March 2013 to present relating to, or in which the Hameds or Plessen were discussed, and for each of the documents given to the VIPD or VI AG, state;
  - a) the source of the document;
  - b) when it was exchanged;
  - c) who transmitted it;
  - d) to whom it was given; and
  - e) what, if anything, was said in relation to it during any such exchange.

5. Give the name, address, identification and contact method for person or entity with whom/which BNS, its counsel, managers or employees has discussions or communications regarding the Hameds' arrest.



**Dated:** November 6, 2017

  
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**Joel H. Holt, Esq. (Bar # 6)**  
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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 6th day of November, 2017, I served a copy of the foregoing by email/mail, as agreed by the parties, on:

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**Stephen Herpel**  
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