

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
	)	

**DEFENDANT FATHI YUSUF'S RESPONSE TO PLAINTIFF HAMED'S  
FIRST SET OF INTERROGATORIES**

Defendant, Fathi Yusuf, through his attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provides his Response to Plaintiff Hamed's First Set of Interrogatories:

**GENERAL OBJECTIONS**

Fathi Yusuf makes the following general objections to the Interrogatories. These general objections apply to all or so many of the Interrogatories that, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Interrogatory. The assertion of the same, similar, or additional objections in the individual responses to the Interrogatories, or the failure to assert any additional objections to a discovery request does not waive any of Fathi Yusuf's objections as set forth below:

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

(1) Fathi Yusuf objects to the Interrogatories to the extent they may impose obligations different from or in addition to those required under the Federal Rules of Civil Procedure.

(2) Fathi Yusuf objects to each interrogatory that uses the words "any" and "all" as being overly broad, unduly burdensome, immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

(3) Fathi Yusuf objects to the Interrogatories to the extent they seek information which is protected by the attorney-client privilege or work-product doctrine, including information prepared in anticipation of litigation, or for trial, by or on behalf of Fathi Yusuf or relating to mental impressions, conclusions, opinions, or legal theories of its attorneys or representatives, or any other applicable privilege or doctrine under federal or state statutory, constitutional or common law. Fathi Yusuf's answers shall not include any information protected by such privileges or doctrine, and documents or information inadvertently produced which includes such privileged information shall not be deemed a waiver by Fathi Yusuf of such privilege or doctrine.

(4) Fathi Yusuf objects to the Interrogatories to the extent that they seek information and documents concerning any matter that is irrelevant to the claims or defenses of any party to this action, and not reasonably calculated to lead to the discovery of admissible evidence.

(5) Fathi Yusuf objects to the Interrogatories to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Fathi Yusuf's response to each such request will be based upon its understanding of the request.

(6) Fathi Yusuf objects to the Interrogatories to the extent they seek documents or information not in the possession, custody or control of Fathi Yusuf, on the ground that it would subject him to undue burden, oppression and expense, and impose obligations not required by the Federal Rules of Civil Procedure.

(7) Fathi Yusuf has not completed either his discovery or his preparation for trial of this matter. Accordingly, Fathi Yusuf's responses to the Interrogatories are made without prejudice to Fathi Yusuf's right to make any use of, or proffer at any hearing or at trial, and are based only upon information presently available. If and as additional, non-privileged, responsive documents are discovered, these Interrogatories will be supplemented to the extent that supplementation may be required by the Federal Rules of Civil Procedure.

(8) Fathi Yusuf objects to the Interrogatories to the extent that when all of the subparts are included they are in excess of the number permitted by Rule 33.

## 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.

### Response:

This suit was filed subsequent to *Yusuf Yusuf et al. v. Mohammad Hamed et al.*, SX-13-cv-120 ("Plessen Derivative Suit") brought as a shareholder derivative action relating to Plessen and the improper removal of \$460,000.00 by Mufeed and Waleed Hamed. In the Plessen Derivative Suit, there has been significant discovery exchanged between the parties which relates to the exact issues which give rise to this case. Although counsel for Plaintiff is also counsel in the Plessen Derivative Suit and, thus, has access to the discovery previously exchanged, Defendants herein incorporate by reference all of the discovery exchanged in the Plessen Derivative Suit as responsive to the recent discovery filed in this case.

The discovery includes:

1. Yusuf Yusuf's Responses to Mufeed Hamed's First Interrogatories, dated December 19, 2016;
2. Yusuf Yusuf's Responses to Mufeed Hamed's First Set of Requests for Admissions, dated December 19, 2016
3. Yusuf Yusuf's Response to Mufeed Hamed's first Request for Production of Documents, dated December 19, 2016 with Bates Stamped Documents
4. Yusuf Yusuf's Responses to Mufeed Hamed's Second Set of Interrogatories, dated February 15, 2017
5. Yusuf Yusuf's Responses to Mufeed Hamed's Second Set for Requests for Admissions, dated February 15, 2017
6. Yusuf Yusuf's Responses to Mufeed Hamed's Second Set of Requests for Documents, dated February 15, 2017
7. February 27, 2017 Letter from Counsel for Yusuf Yusuf supplementing discovery responses and further clarifications.
8. Yusuf Yusuf's Responses to Mufeed Hamed's Third Set of Requests for Admissions, dated March 27, 2017 with attachments

9. Yusuf Yusuf's Responses to Mufeed Hamed's Third Set of Interrogatories, dated June 5, 2017 (with chart analyzing various versions of the Intake Form).
10. Yusuf Yusuf's Responses to Mufeed Hamed's Third Set of Requests for Production of Documents, dated June 5, 2017.
11. The Bates Stamped documents include: 120-YY-00001 – 120-YY-00875.
12. In addition, documents produced by the Hamed's in the Plessen Derivative Suit including those designated with the HAMD bates numbering and Bates Stamped PEOP100101- PEOP100686, SCOT500520-501249, FBIX210733-FBIX257241 (as produced by Hamed – it appears that the Bates numbers skip but this is the inclusive set of numbering).
13. In addition, Defendants incorporate all communication between counsel which further elaborated on discovery responses in the Plessen Derivative suit.

To the extent that this discovery must be re-produced, please advise.

2. List the date and time of each meeting or conversation Fathi Yusuf, Mike Yusuf, NejeH Yusuf or Yusuf Yusuf, their employees, counsel, or managers have had with VIPD, it 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.

**Response**

Fathi Yusuf hereby incorporates his Response to Interrogatory No. 1 as his Response to Interrogatory No. 2 as if fully set forth herein verbatim.

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade  
P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

3. List the date and time of each meeting or conversation Fathi Yusuf, Mike Yusuf, NejeH Yusuf or Yusuf Yusuf, their employees, counsel, or managers have had with the USVI AG's Office, it 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.

**Response**

Fathi Yusuf hereby incorporates his Response to Interrogatory No. 1 as his Response to Interrogatory No. 3 as if fully set forth herein verbatim.

4. Please identify all documents received from or given Fathi Yusuf, Mike Yusuf, NejeH Yusuf or Yusuf Yusuf, their employees, counsel, or managers from March 2013 to present relating to, or in which the Hameds or Plessen were discussed, and for each of the documents, 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.

**Response**

Fathi Yusuf hereby incorporates his Response to Interrogatory No. 1 as his Response to Interrogatory No. 4 as if fully set forth herein verbatim.

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade  
P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422



5. Give the name, address, identification and contact method for person or entity with whom Fathi Yusuf, Mike Yusuf, NejeH Yusuf or Yusuf Yusuf, their employees, counsel, or managers have had with discussions or communications regarding the Hameds' arrest.

**Response**

Fathi Yusuf hereby incorporates his Response to Interrogatory No. 1 as his Response to Interrogatory No. 5 as if fully set forth herein verbatim.

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade  
P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

5. [sic] For each of the documents given to the VIPD or VI AG, state the source of the document, when it was given and what was said in relation to it.

**Response**

Fathi Yusuf hereby incorporates his Response to Interrogatory No. 1 as his Response to Interrogatory No. 5 [sic] as if fully set forth herein verbatim.

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade  
P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

6. Give the name, address, identification and contact method for any suppliers or persons involved in the grocery business, or customers with whom Fathi Yusuf or any of his sons had discussions or communications regarding the Hameds' arrest.

**Response**

Fathi Yusuf hereby incorporates his Response to Interrogatory No. 1 as his Response to Interrogatory No. 6 as if fully set forth herein verbatim.

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade  
P.O. Box 756

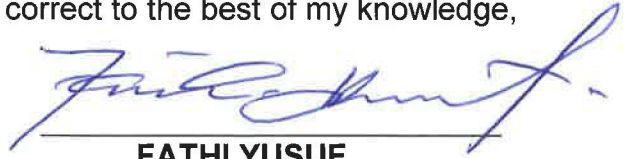
St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

**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: December 6, 2017

  
\_\_\_\_\_  
FATHI YUSUF

TERRY OF THE U.S. VIRGIN ISLANDS)  
DISTRICT OF St. Croix, V.I. ) ss.:

On this the 6<sup>th</sup> day of December 2017, before me, the undersigned officer, personally appeared Fathi Yusuf, known to be (or satisfactorily proven) to be the person whose name is subscribed to the within document and acknowledge that he/she executed the same for the purpose therein contained.

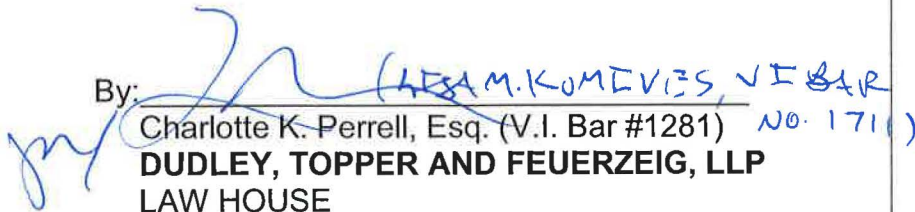
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
\_\_\_\_\_  
Notary Public

Rupertha A. Andrews  
Notary Public  
District of St. Croix, USVI  
Commission # NP-115-15  
Commission Expires October 21, 2019

Dated: December 6, 2017

By:

  
Charlotte K. Perrell, Esq. (V.I. Bar #1281) NO. 1711)

**DUDLEY, TOPPER AND FEUERZEIG, LLP**  
LAW HOUSE

1000 Frederiksberg Gade (P.O. Box 756)

St. Thomas, USVI 00804-0756

(340) 774-4422 telephone

(340) 715-4400 facsimile

[cperrell@dtflaw.com](mailto:cperrell@dtflaw.com)

**CERTIFICATE OF SERVICE**

It is hereby certified that on this 6th day of December, 2017, I served a true and correct copy of the foregoing **DEFENDANT FATHI YUSUF'S RESPONSE TO PLAINTIFF HAMED'S FIRST SET OF INTERROGATORIES**, which complies with the page and word limitations set forth in Rule 6-1(e), via email, addressed to:

Joel H. Holt, Esq.  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, VI 00820  
[holtvi.plaza@gmail.com](mailto:holtvi.plaza@gmail.com)

Charles E. Lockwood, Esq.  
Nichols Newman Logan Grey &  
Lockwood, P.C.  
No. 1131 King Street, Suite 204  
Christiansted, USVI 00820-4971  
[clockwood@nndl.com](mailto:clockwood@nndl.com)

Carl J. Hartmann III, Esq.  
*Co-Counsel for Defendants*  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
[carl@carlhartmann.com](mailto:carl@carlhartmann.com)



**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade  
P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

R:\DOCS\6254\10\PLDG\17L1588.DOCX