

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

**WALEED HAMED**, as the Executor of the  
Estate of MOHAMMAD HAMED,

*Plaintiff/Counterclaim Defendant,*

vs.

**FATHI YUSUF** and **UNITED CORPORATION**

*Defendants and Counterclaimants,*

vs.

**WALEED HAMED, WAHEED HAMED,  
MUFEED HAMED, HISHAM HAMED, and  
PLESSEN ENTERPRISES, INC.,**

*Counterclaim Defendants.*

**Case No.: SX-2012-CV-370**

**ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF AND  
DECLARATORY RELIEF**

JURY TRIAL DEMANDED

Consolidated with

**Case No.: SX-2014-CV-287**

**ACTION FOR DECLARATORY  
JUDGMENT**

JURY TRIAL DEMANDED

Consolidated with

**Case No.: SX-2014-CV-278**

**ACTION FOR DEBT AND  
CONVERSION**

JURY TRIAL DEMANDED

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**WALEED HAMED**, as the Executor of the  
Estate of MOHAMMAD HAMED,

*Plaintiff,*

vs.

**UNITED CORPORATION,**

*Defendant.*

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**WALEED HAMED**, as the Executor of the  
Estate of MOHAMMAD HAMED,

*Plaintiff,*

vs.

**FATHI YUSUF,**

*Defendant.*

**Y-5: REIMBURSE UNITED FOR GROSS RECEIPT TAXES,  
H-150 AND H-160: UNITED'S GROSS RECEIPTS TAXES,  
H-152: UNITED'S CORPORATE FRANCHISE TAXES AND FEES  
H-153: P FUNDS USED TO PAY UNITED'S PROPERTY INSURANCE,  
H-7: KAC357, INC. PAYMENT OF INVOICES FROM J. DAVID JACKSON, PC  
H-8: DAVID JACKSON, CPA, BILL OWED FOR TAX WORK DONE  
H-15: NEJEH YUSUF'S CASH WITHDRAWALS FROM SAFE,  
H-17: WALLY HAMED'S PERSONAL PAYMENT ACCOUNTING/FEES  
H-22: NEJEH YUSUF REMOVED PROPERTY BELONGING TO KAC357, INC.,  
H-142: HALF ACRE IN ESTATE TUTU,  
H-146: IMBALANCE IN CREDIT CARD POINTS,  
H-147: VENDOR REBATES,  
H-154: ATTORNEY AND ACCOUNTING FEES PAID RE CRIMINAL CASE,  
H-163: LOSS OF ASSETS DUE TO WRONGFUL DISSOLUTION  
H-164: INVENTORY ADJUSTED DOWNWARD BY \$1,660,000  
H-165: DEBTS TOTALING \$176,267.97**

Pursuant to the stipulated Joint Discovery Plan, as ordered by the Special Master on January 29, 2018, Hamed propounds the following Fourth Claims interrogatories relating to the claims listed below.

**Interrogatory 16 of 50:**

Interrogatory 16 of 50, relates to Y-5: "Reimburse United for Gross Receipt Taxes," H-150 (old Claim No. 3002a) and H-160 (old Claim No. Exhibit A-H): "United Shopping Center's gross receipts taxes," H-152 (old Claim No. 3008a): "United's corporate franchise taxes and annual franchise fees," and H-153 (old Claim No. 3009a): "Partnership funds used to pay United Shopping Center's property insurance."

State with specificity why, assuming that Yusuf is correct that Hamed had agreed that the Partnership would pay the separate (non-partnership-related) United Corporation costs for such things as GRT taxes, franchise taxes and fees, property insurance, etc., -- what facts, conversations, writings, communications or other information or documents leads Yusuf to believe and assert that he continued to have Hamed's consent as to such payments after September 17, 2012, despite a lawsuit filed by Hamed seeking to stop Yusuf's involvement in the Partnership, with a claim of outright theft by Hamed, as well as Yusuf's denial of the existence of a partnership, attempted removal of the Hameds from the stores by Yusuf and letters from Hamed and his counsel stating that various of the unilateral uses of funds, payments and actions were henceforth denied and actionable?

**Response:**

**Interrogatory 17 of 50:**

Interrogatory 17 of 50 relates to Claim H-7 (old Claim No. 248): "KAC357, Inc. payment of invoices from J. David Jackson, PC and H-8 (Old Claim No. 256): "David Jackson, CPA, bill owed for tax work done related to the Partnership's 2013 taxes," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With regard to Claims H-7 and H-8, state in detail why these invoices for work done for the Partnership were not paid by the Partnership. If you assert these are not Partnership expenses, state in detail why that is, with reference to all applicable documents, communications and witnesses.

**Response:**

**Interrogatory 18 of 50:**

Interrogatory 18 of 50 relates to Claim H-15 (old Claim No. 242): NejeH Yusuf's cash withdrawals from safe," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

This interrogatory relates to Claim H-15. This is not a question about the practices surrounding twithdrawals from the safe generally, but rather an inquiry as to the particular time period set forth in the claim. State in detail how much cash NejeH Yusuf removed from the safe, where it went and where it is now -- with reference to all applicable documents and any witnesses.

**Response:**

**Interrogatory 19 of 50:**

Interrogatory 19 of 50 relates to Claim No. H-17 (old Claim No. 265): "Wally Hamed's personal payment of accounting and attorneys' fees in *United States of America v United Corp., et. al.*, VI D.Ct. 2005-cr-015," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With regard to Wally Hamed's personal payment of accounting and attorneys' fees in *United States of America v United Corp., et. al.*, VI D.Ct. 2005-cr-015 (Claim No. H-17), describe why the Yusufs' accounting and attorneys' fees were paid with Partnership funds and Hameds' were not -- with reference to all applicable documents, communications and witnesses.

**Response:**

**Interrogatory 20 of 50:**

Interrogatory 20 of 50 relates to Claim No. H-22 (old Claim No. 290): “Nejeh Yusuf removed property belonging to KAC357, Inc.,” as described in Hamed’s November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

This is not a general question, but rather an inquiry as to a particular time period. With respect to Claim No. H-22, state in detail exactly what property Nejeh Yusuf removed from the store as described in this claim, where it went and where it is now -- with reference to all applicable documents and witnesses.

**Response:**

**Interrogatory 21 of 50:**

Interrogatory 21 of 50 relates to Claim No. H-142 (old Claim No. 490): "Half acre in Estate Tutu," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With respect to Claim No. H-142, state in detail how this half acre in Estate Tutu was purchased and what funds were used, the source of those funds and any discussions or agreements about the funds or the purchase, with reference to all applicable documents, communications and witnesses.

**Response:**



**Interrogatory 22 of 50:**

Interrogatory 22 of 50 relates to Claim No. H-146 (old Claim No. 3007): "Imbalance in credit card points," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With respect to H-146, state the approximate value of these credit card points, by describing: the approximate number of points in each of the years 2008-the date of the splitting of the East and West stores; the present value of that many points if negotiated on the date of these answers at the point-to-dollar value now -- and show all of your calculations, sources of information and support for this approximation.

**Response:**

**Interrogatory 23 of 50:**

Interrogatory 23 of 50 relates to Claim No. H-147 (old Claim No. 3010): “Vendor rebates,” as described in Hamed’s November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With respect to Claim No. H-147, for each of the years from 2008 through the date of the splitting of the East, West and STT stores, identify each rebate by vendor, state the amount of each rebate, describe the process for ensuring that rebates applied to the personal, not Partnership, credit cards were reimbursed to the Partnership, including any controls in place to ensure reimbursement to the Partnership, and describe all documents with particularity (*e.g.*, name of document, date of document, name of person or entity the document relates to) documenting the whole rebate cycle for each rebate—from vendor, to Partnership by check, Partnership credit card or personal credit card, and, if applicable, reimbursement of the rebate from the personal credit card to the Partnership.

**Response:**

**Interrogatory 24 of 50:**

Interrogatory 24 of 50 relates to Claim No. H-154 (old Claim No. 346a): "Attorney and accounting fees paid by the Partnership for the criminal case," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With respect to Claim No. H-154, describe in detail, with specifics as to who proposed the acts, when and how the Partnership's plan to remove, hide from taxing authorities and then launder income from the stores, came about -- and Yusuf's best approximation of the amounts removed and where they went. As part of that explanation describe who was "in charge" of the decision-making and finances for the stores at that time and how the decision-making for the money-laundering scheme differed from the normal management. Also, state specifically, in detail, whether Fathi Yusuf thought up, directed and managed that money-laundering scheme, and if not, why not and who did -- with reference to Mohammad Hamed's role. Be specific as to dates, locations, times, events and, most importantly, amounts removed and laundered.

**Response:**

**Interrogatory 25 of 50:**

Interrogatory 25 of 50 relates to Claim No. H-163 (old Claim No. Exhibit A-M): “Loss of assets due to wrongful dissolution—attorney’s fees,” as described in Hamed’s November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With respect to Claim No. H-163, (1) State in detail the factual basis that Yusuf had in September through March of 2012-2013 for asserting that there was no Hamed-Yusuf Partnership as to the 3 Plaza Extra Stores, that he had the right to call the police to have the Hameds removed from the stores and had the right to cut Hamed off from partnership accounts. Identify any supporting documents as to this. (2) Describe in detail **why**, even if Yusuf had the beliefs set forth in his response to the foregoing, if he eventually admitted the existence of the Partnership for the purpose of this action, such actions did not constitute a breach of the Partnership agreement.

**Response:**

**Interrogatory 26 of 50:**

Interrogatory 26 of 50 relates to Claim No. H-164: "Inventory adjusted downward by \$1,660,000 due to unrecorded inventory transfers to other stores," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3.

With respect to Claim No. H-164, describe all transactions in detail that relate to the inventory adjusted downward by \$1,660,000 due to unrecorded inventory transfers to other stores, with reference, for each such transaction, to all related and underlying documents.

**Response:**

**Interrogatory 27 of 50:**

Interrogatory 27 of 50 relates to Claim No. H-165: "Debts totaling \$176,267.97, which must be paid prior to any distribution of the remaining Partnership Assets to the Partners," as of September 30, 2016, as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3.

With respect to H-165, describe in detail, with reference to all related and underlying documents, each of the "debts totaling \$176,267.97, which must be paid prior to any distribution of the remaining Partnership Assets to the Partners."


**Response:**

**Interrogatory 28 of 50:**

Describe in detail any criminal charges, convictions, plea agreements, or other criminal actions as to Fathi Yusuf or any entity which he controlled other than United Corporation. For each such event describe in detail, the dates involved, the police or other authority involved, the full description of the charges, the full description of the proceedings, the outcome, any restrictions imposed on Fathi Yusuf during or after -- with a description of all relevant documents and witnesses.

**Response:**

**Dated:** February 21, 2018



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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of February, 2018, I served a copy of the foregoing by email, as agreed by the parties, on:

**Hon. Edgar Ross**  
Special Master  
% edgarrossjudge@hotmail.com

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### **CERTIFICATE OF COMPLIANCE WITH RULE 6-1(e)**

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





**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: \_\_\_\_\_, \_\_\_\_\_, 2018

\_\_\_\_\_ Attesting Individual

TERRITORY OF THE UNITED STATES VIRGIN ISLANDS

DISTRICT OF \_\_\_\_\_ ) ss.

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned officer, personally appeared the signor known to me (or satisfactorily proven to be) the person whose name is subscribed to the within document and acknowledged that he/she executed the same for the purpose therein contained.

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

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