

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

WALEED HAMED, as Executor of the Estate of MOHAMMAD HAMED,	)	
	)	
Plaintiff/Counterclaim Defendant,	)	CIVIL NO. SX-12-CV-370
v.	)	
FATHI YUSUF and UNITED CORPORATION,	)	ACTION FOR INJUNCTIVE RELIEF, DECLARATORY JUDGMENT, AND
	)	PARTNERSHIP DISSOLUTION, WIND UP, AND ACCOUNTING
Defendants/Counterclaimants,	)	
v.	)	
WALEED HAMED, WAHEED HAMED, MUFEED HAMED, HISHAM HAMED, and PLESSEN ENTERPRISES, INC.,	)	
	)	
<u>Additional Counterclaim Defendants.</u>	)	Consolidated With
	)	
WALEED HAMED, as Executor of the Estate of MOHAMMAD HAMED,	)	
	)	CIVIL NO. SX-14-CV-287
Plaintiff,	)	
v.	)	ACTION FOR DAMAGES AND DECLARATORY JUDGMENT
UNITED CORPORATION,	)	
	)	
<u>Defendant.</u>	)	
	)	
WALEED HAMED, as Executor of the Estate of MOHAMMAD HAMED,	)	CIVIL NO. SX-14-CV-278
	)	
Plaintiff,	)	ACTION FOR DEBT AND CONVERSION
v.	)	
FATHI YUSUF,	)	
	)	
<u>Defendant.</u>	)	

**OPPOSITION TO HAMED'S MOTION AS TO CLAIM NO. H-10:  
MARY GONZALES' POST-SPLIT BONUS**

Hamed seeks a ruling of the Master that a retirement bonus given to a longtime employee of the partnership, Mary Gonzales, was improperly paid by Mr. Yusuf ("Yusuf"), as Liquidating

Partner, from a partnership account. Hamed asks the Master to rule that the entire amount of the bonus, \$28,899.28, plus interest at the statutory rate, should be repaid to him by Yusuf. Both the Motion and the Claim should be denied as unmeritorious.

Ms. Gonzales began her employment at the Plaza Extra-East store a year or so prior to the date in 1992 when that store burned down. Her retirement was discussed at about the time the East store was transferred to Yusuf on March 9, 2015, and it became effective approximately three weeks later, on April 1, 2015. At the time of her retirement, she had put in approximately 24 years of service for the partnership, which made her one of the longest serving employees (other than members of the Hamed and Yusuf families) in the history of the partnership. Yusuf, as Liquidating Partner, determined that her long service to the company merited a retirement bonus of \$28,899.28.

Ms. Gonzales spent 99.76% of her 24 years working for the partnership and .24% of her period of employment working for Plaza Extra-East after its transfer. If the bonus were allocated on this basis, \$69.35 would be payable by Yusuf and the remaining \$28,829.93 would be payable by the partnership.

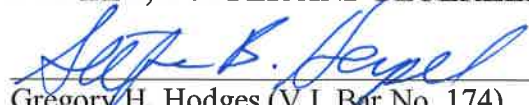
Yusuf had the discretion as Liquidating Partner to determine the amount of Ms. Gonzales's bonus for her long service to the partnership, and Hamed does not dispute that she merited the \$28,899.28 that he decided was appropriate. Because almost the entirety of close to a quarter century of Ms. Gonzales's work was for the partnership, Yusuf also had the discretion as Liquidating Partner to pay that amount from partnership monies. While an abstract argument could be made for return of \$69.35 to the partnership account, this amount is too trivial to justify any action by the Master other than a denial of both the Motion and the Claim.

Respectfully submitted,

**DUDLEY, TOPPER AND FEUERZEIG, LLP**

DATED: January 17, 2018

By:



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**CERTIFICATE OF SERVICE**

It is hereby certified that on this 17th day of January, 2018, I served a true and correct copy of the foregoing **OPPOSITION TO HAMED'S MOTION AS TO CLAIM NO. H-10:MARY GONZALES' POST-SPLIT BONUS**, which complies with the page and word limitations set forth in Rule 6-1(e), via the Case Anywhere docketing system:

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