

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

MOHAMMAD HAMED, by his
authorized agent WALEED 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

MOHAMMAD HAMED,

Plaintiff,

vs.

FATHI YUSUF,

Defendant.

Case No.: SX-2014-CV-278

**ACTION FOR DEBT AND
CONVERSION**

JURY TRIAL DEMANDED

MOHAMMAD HAMED,

Plaintiff,

vs.

UNITED CORPORATION,

Defendant.

Case No.: SX-2014-CV-287

**ACTION FOR DEBT AND
CONVERSION**

JURY TRIAL DEMANDED

NOTICE OF FILING ROBIN SEILA DECLARATION

As directed by this Court on January 19, 2018, attached is the declaration of Robin Seila, Esq. addressing the matters in said Order.

Dated: February 6, 2018



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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of February, 2018, I served a copy of the foregoing by email, as agreed by the parties, on:

Hon. Edgar Ross

Special Master

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

MOHAMMAD HAMED, by his authorized agent
WALEED HAMED,

Plaintiff/Counterclaim Defendant,
v.

FATHI YUSUF and UNITED CORPORATION,

Defendants and
Counterclaimants,

v.

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

Counterclaim Defendants.

Civil No.: SX - 12-CV - 370

**ACTION FOR DAMAGES,
INJUNCTIVE RELIEF,
DECLARATORY JUDGMENT,
PARTNERSHIP DISSOLUTION,
WINDUP, and ACCOUNTING**

MOHAMMAD HAMED,

Plaintiff,

v.

FATHI YUSUF,

Defendant.

**Civil No.: SX - 14-CV - 278
ACTION FOR DEBT AND
CONVERSION**

WALEED HAMED, as Executor of the Estate of
MOHAMMED HAMED,

Plaintiff,

v.

FATHI YUSUF,

Defendant.

**Civil No.: SX - 14-CV - 287
ACTION FOR DEBT AND
CONVERSION**

DECLARATION OF ROBIN P. SEILA

Pursuant to the Court's Order entered January 22, 2018, I, Robin P. Seila submit this declaration to the Court. The Court has asked me to describe my "personal, substantive participation in these consolidated matters as a judicial law clerk" and "the timeline of [my] employment negotiations with Attorney Holt." In order to prepare to write this declaration: (1) I reviewed my emails referenced herein to refresh my memory and to determine when I started with the Superior Court and when I commenced

employment negotiations with Attorney Holt; (2) I requested and reviewed a print out of the dockets in these three consolidated matters from the Superior Court; (3) I read *Hamed v. Yusuf*, No. SX-12-CV-370, 2017 WL 3168458 (V.I. Super. July 21, 2017); and (4) I re-read the Law Clerk Code of Conduct, adopted by the V.I. Supreme Court on November 10, 2016, by Promulgation No. 2016-003.

I, Robin P. Seila, declare, pursuant to V.I. R. Civ. P. 84, as follows:

Employment at the Superior Court

1. I began my clerkship with the Honorable Douglas A. Brady on June 15, 2015.
2. When I began my clerkship, Judge Brady had another law clerk who kept track of the matters in these consolidated cases. His clerkship concluded in mid-August 2015.
3. I was not aware of anything pertaining to any of these consolidated matters while the other law clerk was employed by Judge Brady.
4. According to the docket sheet, Plaintiff's Notice of Objection to Liquidating Partner's Bi-Monthly Reports was filed on August 8, 2015, in SX-12-CV-370. On August 19, 2015, the file was forwarded to Judge's Chambers, according to the docket sheet. On that date, or shortly thereafter, I became aware of case SX-12-CV-370 when Judge Brady asked me to keep track of the motions filed in SX-12-CV-370 and SX-14-CV-278 and to update him periodically as to what had been filed.

5. From the end of August, 2015 until my negotiations with Attorney Holt commenced in June 2017, I kept track of the motions filed in SX-12-CV-370 and SX-14-CV-278.
6. Periodically, Judge Brady would request a list of motions filed in these consolidated matters. I would provide him with a spreadsheet of the pending motions, with bullet points to summarize the issues.
7. On October 13, 2016, according to the docket sheet, Judge Molloy granted the parties' stipulation for consolidation on case SX-12-CV-370 and SX-14-CV-278. At some point thereafter, I became aware of case SX-14-CV-278.
8. Judge Ross was asked by Judge Brady to come into chambers to discuss the matter, probably in January or February 2017, because on February 7, 2017, Judge Brady scheduled a hearing for March 6, 2017. Law clerk, Sean Bailey, and I attended the meeting with Judge Ross.
9. Judge Brady scheduled a hearing for March 6, 2017, to discuss all pending matters in the consolidated matters. Law clerk Sean Bailey drafted the order(s) setting the hearing.
10. According to *Hamed v. Yusuf*, No. SX-12-CV-370, 2017 WL 3168458 (V.I. Super. July 21, 2017), that hearing took place on March 6 and 7, 2017. Law clerk Sean Bailey and I attended the hearing.
11. After the hearing, Judge Brady asked Sean Bailey and me to split up researching some of the issues. I was assigned to research the jury issues and Sean Bailey was assigned to research the statute of limitations issues.

12. Judge Brady asked Sean Bailey and me to put together packets of Motion, Opposition, and Reply for the various pending motions, along with copies of relevant documents, such as the Wind Up Plan.
13. In early June 2017, Attorney Holt spoke with Alida Krind. Alida Krind told me to call Attorney Holt's office to talk with him about future employment. Judge Brady advised me to stop working on the consolidated matters.
14. Judge Brady asked me to move any material pertaining to these consolidated matters and any other of Attorney Holt's cases pending before him out of my office and into law clerk, Sean Bailey's office. I did so immediately.
15. I do not recall working on any other of Attorney Holt's cases pending before Judge Brady at that time.
16. I did not recommend a particular disposition in these consolidated matters.
17. I am certain that I did not contribute to Judge Brady's analysis of any of the issues in *Hamed v. Yusuf*, No. SX-12-CV-370, 2017 WL 3168458 (V.I. Super. July 21, 2017).
18. I have reviewed *Hamed v. Yusuf*, No. SX-12-CV-370, 2017 WL 3168458 (V.I. Super. July 21, 2017), and in so doing, I believe that none of my research or anything I have written was used in the opinion.
19. Judge Brady never discussed his "innermost thoughts" about these consolidated matters with me.
20. Consistent with the Law Clerk Code of Conduct, Rule 103.3(C)(1), I do not discuss the details of my experience in Judge Brady's chambers because my

duty to “avoid comment on the process of decision making, including the extent of the law clerk’s involvement ... extends beyond the term of clerkship.”

21. Throughout my employment with the Superior Court, and after the conclusion of my employment with the Superior Court, I have diligently abided by the rules set forth in the Law Clerk Code of Conduct particularly, Rule 103.2(B), which states: “... A law clerk should never communicate to attorneys or parties in a pending case the law clerk’s opinion or attitude toward the issues pending before the judicial officer...”

22. My law clerk duty of confidentiality extends to anything that was discussed with Judge Ross in chambers.

23. My employment in Judge Brady’s chambers concluded on August 11, 2017.

Timeline of Employment with Attorney Holt

24. In early June, 2017, I greeted Attorney Holt at the Superior Court, as he was leaving a rules committee meeting. He stopped me and asked me whether I would be interested in discussing a position as an associate attorney at his firm, since he had heard my clerkship was ending soon.

25. I expressed interest in discussing a position as an associate attorney.

26. Attorney Holt told me that he would not proceed with discussing possible employment if his clients (the Hameds), Attorney Hodges, or Judge Brady disapproved. I understood and I agreed to the condition.

27. One day in June, 2017, Alida Krind told me that I should call Attorney Holt’s office to discuss the possibility of employment at his office.

28. I called Attorney Holt's office that day and agreed to come in to talk the same day. I brought my resume and a letter of recommendation with me.
29. We discussed that if he decided to hire me, that he would implement a Chinese wall for all cases pending before Judge Brady, especially these consolidated matters.
30. According to my emails, on June 12, 2017, I emailed Attorney Holt two writing samples.
31. According to my emails, on June 20, 2017, Attorney Holt and I exchanged emails regarding my start date, which would be sometime in October 2017.
32. According to my emails, on June 30, 2017, Attorney Holt sent me the first draft of our employment contract.
33. According to my emails, on July 10, 2017, Attorney Holt and I signed the employment contract.
34. According to my emails, on August 5, 2017, Attorney Holt emailed to ask me when my last day of work was and I was leaving island. I responded that my last day would be August 11, 2017, that I was leaving island on August 15, 2017, and that October 2, 2017 would be a good start date.
35. According to my emails, on August 7, 2017, Attorney Holt emailed to ask whether I could come to the office on August 14, 2017 to fill out some paper work.

36. According to my emails, on August 14, 2017, I went to Attorney Holt's office and filled out paperwork regarding health insurance and attorney malpractice insurance.
37. On September 27, 2017, Attorney Holt emailed me to ask whether we could push back my start date because of Hurricane Maria. We agreed that I would start on October 30, 2017.
38. According to my emails, on October 27, 2017, Attorney Holt asked me to research case law about Chinese walls.
39. On October 30, 2017, I started work at the Law Office of Joel H. Holt, Esq. P.C. with a Chinese wall fully implemented for these consolidated matters, and all cases pending before Judge Brady.
40. My knowledge of the consolidated matters is limited to what I have set forth in this declaration.
41. I have never had any involvement in any Hamed or Yusuf cases pending before other judges.
42. I have not discussed and I will not discuss the consolidated matters or any of Judge Brady's cases that were pending prior to October 30, 2017, with Attorney Holt or his staff.

I declare under penalty of perjury that the foregoing is true and correct, executed on this 5th day of February 2018.



Robin P. Seila (Bar No. R 2043)