

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
Defendants/Counterclaimants,	)	PARTNERSHIP DISSOLUTION,
v.	)	WIND UP, AND ACCOUNTING
	)	
WALEED HAMED, WAHEED HAMED, MUFEED HAMED, HISHAM HAMED, and PLESSEN ENTERPRISES, INC.,	)	
	)	
Additional Counterclaim Defendants.	)	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,	)	
	)	
Defendant.	)	
	)	
WALEED HAMED, as Executor of the Estate of MOHAMMAD HAMED,	)	
	)	
	)	CIVIL NO. SX-14-CV-278
Plaintiff,	)	
v.	)	ACTION FOR DEBT AND
	)	CONVERSION
FATHI YUSUF,	)	
	)	
Defendant.	)	

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AND FEUERZEIG, LLP  
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**YUSUF'S RESPONSE TO HAMED'S  
INTERROGATORY 1 OF 50 – AS TO CLAIM H-143**

Fathi Yusuf ("Yusuf") through his attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide his Response to Hamed's Interrogatory 1 of 50 - As to Claim H-143.

**GENERAL OBJECTIONS**

(1) Yusuf objects to Interrogatory No. 1 to the extent it may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Yusuf objects to Interrogatory No. 1 to the extent that it 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) Yusuf objects to Interrogatory No. 1 to the extent it seeks 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 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. 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 Yusuf of such privilege or doctrine.

(4) Yusuf objects to Interrogatory No. 1 to the extent that it seeks 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) Yusuf objects to Interrogatory No. 1 to the extent that it uses terms or phrases that are vague, ambiguous, or undefined. Yusuf's response to such request will be based upon his understanding of the request.

(6) Yusuf objects to Interrogatory No. 1 to the extent it seeks documents or information not in the possession, custody or control of Yusuf, on the grounds that it would

subject him to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Yusuf has not completed either his discovery or preparation for trial of this matter. Accordingly, Yusuf's response to Interrogatory No. 1 is made without prejudice to 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 any additional, non-privileged, responsive documents are discovered, the Interrogatory will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Yusuf object to Interrogatory No. 1 to the extent that it is compound and not a single interrogatory. Hence, Interrogatory No. 1 should be counted as more than a single interrogatory such that when all of the subparts are included together with other interrogatories they may exceed the 50 Interrogatories agreed upon by the parties.

## RESPONSES TO INTERROGATORY

### Interrogatory 1 of 50:

This interrogatory relates to Claim H-143 (which previously was identified as 490 in Hamed's Expert Report) -- described in the claims list as "Plaza Extra East land" being that small parcel which constitutes the back section of the East Store and property outside behind that back section.

Please describe in detail when, under what circumstances, why, and how this land was purchased and by what person or entity (and by whom it is owned now); also stating as part of that detail, where the funds to purchase this land came from, and if the source was fully or partially an insurance policy, state whether grocery store proceeds were used to pay for that policy – and describe any related documents, or documents that support or contradict your response.

### RESPONSE:

Yusuf objects to this Interrogatory No. 1 because it involves a claim that is barred by the Court Memorandum Opinion and Order Re Limitation On Accounting, which provided that the accounting in the matter "shall be limited in scope to consider only those claimed credits and charges to partner accounts, under the meaning of 26 V.I.C. §71(a), based on transactions that occurred on or after September 17, 2006." The deed conveying Plot 4H, Estate Sion Farm, to United Corporation has been of record since October 6, 1992. Accordingly, any claims by Hamed concerning this transaction are clearly barred by such Order and Yusuf has no obligation to provide discovery concerning a barred claim because "the proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(iii). Furthermore, Yusuf has filed a Motion to Strike Hamed's Amended Claim Nos. 142 and 143 ("Motion to Strike") on the same

grounds. As further support for objecting to this Interrogatory, Yusuf incorporates by reference his Motion to Strike as if fully set forth herein verbatim.

**DUDLEY, TOPPER AND FEUERZEIG, LLP**

**DATED:** March 1, 2018

By:



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*Attorneys for Fathi Yusuf and United  
Corporation*

**CERTIFICATE OF SERVICE**

It is hereby certified that on this 1<sup>st</sup> day of March, 2018, I caused the foregoing a true and exact copy of the foregoing **YUSUF'S RESPONSE TO HAMED'S INTERROGATORY 1 OF 50 AS TO CLAIM H-143** to be served upon the following via Case Anywhere docketing system:

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