

TO: **WALEED HAMED as Executor of the ESTATE OF MOHAMMAD HAMED**
c/o Joel H. Holt, Esq.
2101 Company Street
Christiansted VI 00820

Fathi Yusuf ("Yusuf"), through his undersigned counsel, pursuant to V.I. R. Civ. P. 26, 33 and 34, hereby propounds and serves the following written Interrogatories to Waleed Hamed, as Executor of the Estate of Mohammad Hamed ("Hamed"), to be answered separately and fully in writing, under oath, within thirty (30) days from the date hereof. If additional space for the answer to an Interrogatory is needed, attach a separate page and indicate the Interrogatory which is being answered.

I.
DEFINITIONS

For the purpose of these Interrogatories, the following words shall have the meaning indicated below:

- A. The term "Hamed" and/or "You" or "Your" shall mean Mohammad Hamed and his Estate, and his present and former agents, employees, representatives, affiliated companies, as well as any persons or entities associated or connected with him and his present and former legal counsel.
- B. The term "Yusuf" shall mean Fathi Yusuf, and his present and former agents, employees, representatives, affiliated companies, as well as any persons or entities associated or connected with him and his present and former legal counsel.
- C. The term "Waleed" shall mean Waleed Hamed, son of Mohammad Hamed, individually and in his capacity as agent for or with power of attorney for Mohammad Hamed and as Executor of the Estate of Mohammad Hamed and his present and former agents, employees, representatives, affiliated companies, as well as any persons or entities associated or connected therewith and his present and former legal counsel.
- D. The term "Waheed" shall mean Waheed Hamed, son of Mohammad Hamed, individually and in his capacity as agent for Mohammad Hamed and his present and former agents, employees, representatives, affiliated companies, as well as any

persons or entities associated or connected therewith and his present and former legal counsel.

- E. The term "Mufeed" shall mean Mufeed Hamed, son of Mohammad Hamed, individually and in his capacity as agent for Mohammad Hamed and his present and former agents, employees, representatives, affiliated companies, as well as any persons or entities associated or connected therewith and his present and former legal counsel.
- F. The term "Hisham" shall mean Hisham Hamed, son of Mohammad Hamed, individually and in his capacity as agent for Mohammad Hamed and his present and former agents, employees, representatives, affiliated companies, as well as any persons or entities associated or connected therewith and his present and former legal counsel.
- G. The term "United" shall mean United Corporation, which was incorporated in 1979.
- H. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside their scope.
- I. "Any/All" shall both mean any and all as appropriate in order to bring within the scope of these interrogatories information and documents which might otherwise be considered to be beyond their scope.
- J. "Document" as used herein shall mean any handwritten, typewritten, printed, transcribed, impressed, recorded or other physical or tangible embodiment of a communication within the scope of V.I. R. Civ. P. 34(a)(1), however produced or reproduced, now or at any time in your possession, custody or control, including but not limited to: letters, notes, preliminary drafts (including metadata), reports, spreadsheets, emails, electronic messages and/or online chats (i.e. twitter, facebook, blog, message), text messages, memoranda, interoffice communications, analyses, minutes, contracts, agreements, cables, telegrams, statements, entries, affidavits, briefs, pleadings, decrees, transcriptions, recordings, diagrams, charts, photographs, and articles, and any copies, facsimiles or reproductions of the foregoing, no matter how or by whom prepared, and all drafts prepared in connection with the foregoing. Without limitation of the term "control" as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual physical possession thereof. If any document requested was in your possession or subject to your control, but is no longer, state what disposition was made of it, and the date or dates on which such disposition was made.

- K. The term "communication" or "communications" means the written or oral transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- L. "Relating to" or "related to" means consisting of, referring to, describing, discussing, constituting, evidencing, containing, reflecting, mentioning, concerning, pertaining to, citing, summarizing, analyzing or bearing any logical or factual connection with the matter discussed.
- M. The words "pertain to" or "pertaining to" shall mean relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- N. "Company" or "entity" means any form of business however organized, including, without limitation, any corporation, limited liability company, sole proprietorship, partnership (general or limited), joint venture, association, group, government agency, firm or other business enterprise or legal entity which is not a natural person, and means both the singular and plural.
- O. "Define" when used with reference to a phrase or term, means (a) state the meaning of the phrase or term; and (b) identify each person known to have personal knowledge regarding the meaning of such phrase or term upon whose testimony you presently intend to rely at trial.
- P. "Describe", means to explain fully by reference to underlying facts rather than conclusions of fact or law.
- Q. "Identify" means as follows:
- (A) "Identify" and "identification" when used with reference to a natural person, means to state his or her (a) full name; (b) present business and/or residence address and telephone numbers; (c) present business affiliation, address, title or position; (d) if different from (c), the group, organization or business the person was representing at any time relevant to the answer to a specific Interrogatory; and (e) home address. If this information is not known, furnish such information as was last known.
- (B) "Identify" and "identification" when used with reference to a business entity, means to state its (a) full name; (b) form or organization (e.g., corporation, partnership); (c) place of incorporation or organization; and (d) address of its principal place of business. If this information is not known, furnish such information as was last known.
- (C) "Identify" and "identification" when used with reference to an act, action, activity, omission or event, means to state (a) the identity of persons who participated

in such act, action, activity, omission, or event; (b) the date and place of such act, action, activity, omission, or event in detail; and (c) the identity of each person having knowledge of the act, action, activity, omission, or event.

(D) "Identify" and "identification" when used in reference to a document, means to state (a) the type of document or some other means of identifying it (e.g., letter, memorandum, report, etc.); (b) its subject matter; (c) the identity of its author(s), signer(s), and any person who participated in its preparation; (d) the identity of each addressee or recipient; (e) the identity of each person to whom copies were sent and each person by whom copies were received; (f) its title and date; and (g) its present location and the identity of its custodian (if any such document was, but is no longer in your possession or control, state what and when disposition was made of it).

(E) "Identify" and "Identification" when used with reference to a conversation, oral communication, discussion, oral statement or interview, means (a) state the date upon which it took place; (b) identify each person who participated in it, witnessed it and/or overheard it; (c) state what was said by each such person, including the issues and matters discussed; and (d) identify each document which describes or relates to it.

R. "Individual" or "Person" means any natural person, including without limitation, an officer, director, employee, agent, representative, distributor, supplier, independent contractor, licensee or franchisee, and it includes any corporation, or limited liability company, sole proprietorship, partnership, joint venture, group, government agency and agent, firm or other business enterprise or legal entity, which is not a natural person, and means both the singular and the plural.

S. "Parties" as used herein shall be interpreted to refer to all parties to this litigation.

T. Unless otherwise defined, all capitalized terms used in these Interrogatories shall have the same meaning as provided in the Final Wind Up Plan Of the Plaza Extra Partnership entered on January 9, 2015 (the "Plan").

U. "Hamed Claim No. _" means those claims identified by Hamed as set forth in the Chart entitled "Summary of Hamed's Post-September 17, 2006 Claims Following Judge Brady's 7/25/17 Order with suggested "Next Steps" for Depos, Discovery, Etc." which is attached as Exhibit A to "Hamed's Submission of His Suggestions As To The Further Handling Of The Remaining Claims Per The Master's Directions Of August 24, 2017" filed on October 30, 2017.

II. INSTRUCTIONS

1. Each Interrogatory shall be continuing so as to require you to file supplemental answers pursuant to V.I. R. Civ. P. 26(e).

2. Each Interrogatory calls for information in your possession, custody or control, or in the possession, custody or control of your present or former agents, officers, directors, employees, representatives, consultants, contractors, subcontractors, and legal counsel, unless privileged or otherwise protected.

3. With respect to any information that is withheld on a claim of privilege, provide at the time of responding to these Interrogatories, a statement signed by an attorney representing you setting forth as to each such item of information withheld:

- (a) the identity of the person(s) having knowledge of the information;
- (b) the identity of the persons to whom the information was communicated or otherwise made available;
- (c) the job title or position of every person identified in response to subparagraphs (a) and (b);
- (d) the date(s) on which the information was received or became known by each person having knowledge of its existence;
- (e) a brief description of the nature and subject matter of the information; and
- (f) the statute, rule or decision that is claimed to give rise to the privilege.

4. Each part of the following Interrogatories, whether a numerical paragraph or one of the subparagraphs, is to be answered separately and fully.

5. If objection is made to an Interrogatory, or any portion thereof, the Interrogatory or portion thereof shall be specified and, as to each, all reasons for objections shall be stated fully by the responding party as required by the Virgin Islands Rules of Civil Procedure.

6. If all the information furnished in an answer to all or any part of an Interrogatory is not within the personal knowledge of the person signing the Interrogatory, identify each person to whom all or any part of the information furnished is a matter of personal knowledge, and each person who communicated to the person signing the Interrogatory any part of the information furnished.

7. If the answer to all or any part of the Interrogatory is not presently known or available, include a statement to that effect, furnish the information known or available, and respond to the entire Interrogatory by supplemental answer in writing and under oath within ten (10) days from the time the answer becomes known or available.

Interrogatories:

1. Please identify any and all assets including bank accounts (indicating account number and name of bank), brokerage accounts, real estate, interests in business ventures and other financial interests, foreign and domestic, owned by each of the following Hamed family members: 1) Hamed, 2) Waleed, 3) Waheed, 4) Mufeed Hamed and 5) Hisham as of September 17, 2006 and the date of your response and identify the source of all funds for the acquisition of such assets:

Response:

2. Please identify each and every asset and interest, foreign and domestic, owned by Mohammad Hamed as of September 1, 2012 and the source of the income (including any loan proceeds) which provided the asset as well as any disposition of the asset since that time.

Response:

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

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

(340) 774-4422

3. Please identify all sources of income for 1) Hamed, 2) Waleed, 3) Waleed, 4) Mufeed and, 5) Hisham from September 17, 2006 to present including the total amount of said income from each source per year.

Response:

4. Please describe who selected counsel to represent the Hamed defendants in the Criminal Case, who paid each counsel, what amount each counsel was paid, how each counsel was paid, and the source of funds for each payment?

Response:

5. What do you contend would be the proper reconciliation of the Partner accounts as of September 17, 2006 and the respective amounts due to each Partner as of that date and the date of your response?

Response:

6. Identify all distributions from the Partnership to any member of the Hamed family from September 17, 2006 to present?

Response:

7. Do you contest any allocation to you as set forth in Tables 1-6 for transactions after September 17, 2006, attached hereto as Exhibit 1, and, if so, which ones are contested and why?

Response:

8. Do you contest any allocation to Waleed set forth in Tables 7A-14 for transactions after September 17, 2006, attached hereto as Exhibit 2, and, if so, which ones are contested and why?

Response:

9. Do you contest any allocation to Waheed set forth in Tables 15A-22 for transactions after September 17, 2006, attached hereto as Exhibit 3, and, if so, which ones are contested and why?

Response:

10. Do you contest any allocation to Mufeed set forth in Tables 23A-28 for transactions after September 17, 2006, attached hereto as Exhibit 4, and, if so, which ones are contested and why?

Response:

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

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11. Do you contest any allocation to Hisham set forth in Tables 29A-34 for transactions after September 17, 2006, attached hereto as Exhibit 5, and, if so, which ones are contested and why?

Response:

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12. What expenses, if any, do you contend must be paid by the Partnership before any distribution of the profits can be made?

Response:

13. Did each of the Hamed family members originally disclose on their tax returns from 1986 through the time of the plea agreement in the Criminal Case, all the income they received from the Partnership operation of the grocery store business?

Response:

14. Identify all assets that were transferred to the Mohammad Hamed Revocable Trust and what was the value of said assets upon transfer?

Response:

15. What assets were held by the Mohammad Hamed Revocable Trust as of the date of death of Mohammad Hamed?

Response:

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16. Identify the current assets of the Mohammad Hamed Revocable Trust and identify any transfers that have occurred since its inception.

Response:

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17. Has any member of the Hamed family held assets for the benefit of Hamed and, if so, please identify any such assets and their value as of September 17, 2006, September 1, 2012, and at present, as well as any disposition of such assets?

Response:

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18. Do you dispute any of the debts owed by the Partnership as set forth in the attached Exhibit 6 and if so, please explain the basis for your dispute identifying any documents or evidentiary support for your position?

Response:

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19. Identify all facts and circumstances relating to Hamed Claim No. 2 and identify, all documents relating to that claim.

Response:

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20. Identify all facts and circumstances relating to Hamed Claim No. 13 and identify, all documents relating to that claim.

Response:

21. Identify all facts and circumstances relating to Hamed Claim No. 17 and identify, all documents relating to that claim.

Response:

22. Identify all facts and circumstances relating to Hamed Claim No. 129 and identify, all documents relating to that claim.

Response:

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23. Identify all facts and circumstances relating to Hamed Claim No. 145 and identify, all documents relating to that claim.

Response:

24. Identify all facts and circumstances relating to Hamed Claim No. 154 and identify, all documents relating to that claim.

Response:

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AND FEUERZEIG, LLP**

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25. Identify all facts and circumstances relating to Hamed Claim No. 161 and identify, all documents relating to that claim.

Response:

26. Identify all facts and circumstances relating to Hamed Claim No. 162 and identify, all documents relating to that claim.

Response:

27. Identify all facts and circumstances relating to Hamed Claim No. 163 and identify, all documents relating to that claim.

Response:

28. State whether you dispute any of United's claims as to the Black Book Balance of \$49,997 and identify all documents relating to your dispute.

Response:

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AND FEUERZEIG, LLP**

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29. Identify all facts and circumstances which give rise to any dispute you have with United's claims as to the Ledger Balance of \$200,000 and identify all documents relating to your dispute.

Response:

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30. Identify all facts and circumstances which give rise to any dispute you have Yusuf's claims as to the Water Revenue from Plaza Extra East in the amount of \$693,000 and identify all documents relating to your dispute.

Response:

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AND FEUERZEIG, LLP**

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31. Explain the disposition of all of the foreign property and accounts described in Exhibit 6 including what happened to these accounts, when they were closed, and their balance as of September 17, 2006 as well as the current status of those properties in Hamed's name and identify all documents relating to your explanation.

Response:

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32. Identify all facts and circumstances which give rise to any dispute you have with Yusuf's claims to the loss of going concern value as to the Plaza Extra West Store as identified by Yusuf in Exhibit 7, attached hereto and identify all documents relating to your explanation.

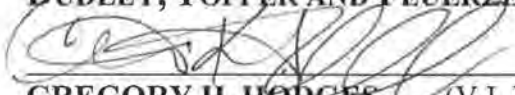
Response:

Respectfully submitted,

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: March 23, 2018

By:


GREGORY H. HODGES (V.I. Bar No. 174)
STEFAN B. HERPEL (V.I. Bar No. 1019)
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Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

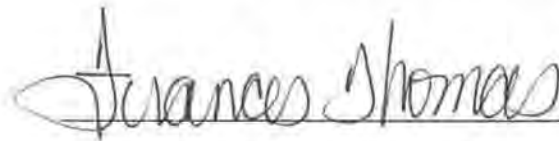
I hereby certify that on this 23rd day of March, 2018, I caused the foregoing, **FATHI YUSUF'S INTERROGATORIES 1-33 TO HAMED** which complies with the page or word limitation set forth in Rule 6-1(e), to be served upon the following via electronic transmission:

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