

**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,                 | ) |                          |
|   | ) |                          |
| Plaintiff,                                | ) | CIVIL NO. SX-14-CV-287   |
| v.  | ) |                          |
|   | ) |                          |
| UNITED CORPORATION,                       | ) | ACTION FOR DAMAGES AND   |
|   | ) | DECLARATORY JUDGMENT     |
|   | ) |                          |
| _____ Defendant.                          | ) |                          |
|   | ) |                          |
| WALEED HAMED, as Executor of the          | ) |                          |
| Estate of MOHAMMAD HAMED,                 | ) |                          |
|   | ) |                          |
| Plaintiff,                                | ) | CIVIL NO. SX-14-CV-278   |
| v.  | ) |                          |
|   | ) |                          |
| FATHI YUSUF,                              | ) | ACTION FOR DEBT AND      |
|   | ) | CONVERSION               |
|   | ) |                          |
| _____ Defendant.                          | ) |                          |

**FATHI YUSUF'S REQUESTS TO PRODUCE 21-24 TO HAMED**

**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 Requests to Produce to Waleed Hamed, as Executor of the Estate of Mohammad Hamed ("Hamed"), to be answered separately and fully in writing within thirty (30) days from the date hereof. If additional space for the answer to an Request to Produce is needed, attach a separate page and indicate the Request to Produce which is being answered.

**I.**  
**DEFINITIONS**

For the purpose of these Requests to Produce, 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 Requests to Produce 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 Requests to Produce 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 Request to Produce; 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 Requests to Produce 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 Request to Produce shall be continuing so as to require you to file supplemental answers pursuant to V.I. R. Civ. P. 26(e).
2. Each Request to Produce 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 Requests to Produce, 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 Requests to Produce, whether a numerical paragraph or one of the subparagraphs, is to be answered separately and fully.

5. If objection is made to an Request to Produce, or any portion thereof, the Request to Produce 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 Request to Produce is not within the personal knowledge of the person signing the Request to Produce, 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 Request to Produce any part of the information furnished.

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

**Requests to Produce:**


21. Please produce every document identified in your response to Interrogatory No. 34.
22. Please produce all invoices for any attorney's fees incurred by any Hamed family member in the Criminal Case including their time entries and descriptions of services performed.
23. To the extent not previously produced, please produce all documents identified in your responses to all of the Interrogatories served on you in this case.
24. Please produce all documents upon which you intend to rely either in the defense of the Yusuf Claims as set forth in Exhibit 6 or in support of the Hamed Claims.

Respectfully submitted,

**DUDLEY, TOPPER AND FEUERZEIG, LLP**

**DATED:** March 30, 2018

By:

  
**GREGORY H. HODGES** (V.I. Bar No. 174)  
**STEFAN B. HERPEL** (V.I. Bar No. 1019)  
**CHARLOTTE K. PERRELL** (V.I. Bar No. 1281)  
1000 Frederiksberg Gade - P.O. Box 756  
St. Thomas, VI 00804-0756  
Telephone: (340) 774-4422  
Facsimile: (340) 715-4400  
E-Mail: [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)  
[sherpel@dtflaw.com](mailto:sherpel@dtflaw.com)  
[cperrell@dtflaw.com](mailto:cperrell@dtflaw.com)

*Attorneys for Fathi Yusuf and United Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of March, 2018, I caused the foregoing, **FATHI YUSUF'S REQUESTS TO PRODUCE 21-24 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:

*Waleed Hamed et al. vs. Fathi Yusuf et al*  
*Case No.: SX-12-CV-370*  
*Fathi Yusuf's Request to Produce 21-24 to Hamed*

Joel H. Holt, Esq.  
**LAW OFFICES OF JOEL H. HOLT**  
Quinn House - Suite 2  
2132 Company Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
E-Mail: [holtvi.plaza@gmail.com](mailto:holtvi.plaza@gmail.com)

Mark W. Eckard, Esq.  
**ECKARD, P.C.**  
P.O. Box 24849  
Christiansted, St. Croix  
U.S. Virgin Islands 00824  
E-Mail: [mark@markeckard.com](mailto:mark@markeckard.com)

Carl J. Hartmann, III, Esq.  
5000 Estate Coakley Bay – Unit L-6  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
E-Mail: [carl@carlhartmann.com](mailto:carl@carlhartmann.com)

Jeffrey B.C. Moorhead, Esq.  
**JEFFREY B.C. MOORHEAD, P.C.**  
C.R.T. Brow Building – Suite 3  
1132 King Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
E-Mail: [jeffreymlaw@yahoo.com](mailto:jeffreymlaw@yahoo.com)

A handwritten signature in black ink, appearing to read 'JEFFREY B.C. MOORHEAD', is written over a horizontal line.