

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, WIND UP, AND ACCOUNTING
v.)	
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.)	

YUSUF'S SUPPLEMENTAL RESPONSE TO HAMED'S REQUEST FOR
PRODUCTION OF DOCUMENTS NOS. 1 AND 3

Yusuf through his attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provides its Supplemental Response to Hamed's Request for Production of Documents Nos. 1 and 3.

Request for the Production of Documents 1 of 50:

RFPD number 1 of 50 relates to Claim H-21 (previously identified as 281) – described in the claims list as “Payment of NejeH Yusuf credit card bill.”

Please provide all documents relating to or substantiating the \$49,715.05 in charges attributed to NejeH Yusuf on the Bank of America credit card statement (5474 1500 8271 1556), including, but not limited to, credit card statements and invoices substantiating the charges -- and the Partnership business purpose therefor. See Exhibit 281, Exhibits to JVZ Engagement Report, September 28, 2016, bates numbers JVZ-001252-JVZ-001253.

Original Response:

Yusuf objects to this Request for Production as it is properly directed to John Gaffney. Yusuf shows that this Request along with other discovery recently submitted should be directed to John Gaffney and maintain that these items were not included in the original list of Gaffney Items H-41 through H-141 in what appears to be an attempt to circumvent the agreement for John Gaffney to respond to discovery and that payment for his time to be at the expense of the Hamed pursuant to the Joint Discovery and Scheduling Plan. Further responding, Yusuf has no knowledge any particular payment for expenses incurred on the Bank of America credit card held by NejeH Yusuf, how reimbursement is documented and the items reflected in the April - May 2015 statement included as Exhibit 281 which document was provided by Hamed and, therefore, is unable to provide any information responsive to this Request.

Supplemental Response:

Yusuf supplements his response as the substance of his objection was addressed by the Master's Order dated April 12, 2018.

Yusuf shows that upon reasonable and diligent search for the supporting and back-up documents which would be responsive to this request, such documents are unavailable to Yusuf at this time for the following reasons: 1) supporting documentation for any payments made to reimburse NejeH would have been from the Plaza Extra Tutu Park Store and Yusuf does not have access to that store and does not have the relevant records in his possession; 2) there are no cancelled checks available from Scotiabank for the Operating Account for the Plaza Extra Tutu Park which account would have been used to make these payments as Scotiabank did not provide them; 3) Banco Popular stopped providing copies of enclosures for both operating accounts as well to the extent any payments were made from a store other than the Plaza Extra Tutu Park Store. The accounting records reflecting the payments made have been provided to Hamed from the outset of this litigation and thus, it is equally available to Hamed. All payments required dual signatures from a member of each family, such that a member of the Hamed family would have had to approve any payments to made to NejeH at the time they were made. To the extent that an additional copy of any accounting ledger reflecting these payment is requested to be provided, please advise and it will be reproduced.

Request for the Production of Documents 3 of 50:

RFPD 3 of 50 relates to Claim H-149 (previously identified as 246, 255, 260, 318) described in the claims list as "Seaside Market & Deli LLC."

Please provide all documents related to transactions between the Partnership, United or the Plaza Extra Stores and the Seaside Market & Deli. These documents should include, but not be limited

to, invoices, description of inventory sold to Seaside, pricing of inventory sold to Seaside, shipping invoices for the goods shipped to Seaside, and general ledger entries documenting the Plaza Extra, United and Seaside transactions. These documents should be provided up to the date of the transfer of the East and West stores on March 9, 2015.

Original Response:

Yusuf objects to this Request for Production as it is properly directed to John Gaffney. Yusuf shows that this Request along with other discovery recently submitted should be directed to John Gaffney and maintain that these items were not included in the original list of Gaffney Items H-41 through H-141 in what appears to be an attempt to circumvent the agreement for John Gaffney to respond to discovery and that payment for his time to be at the expense of the Hamed pursuant to the Joint Discovery and Scheduling Plan. Further responding, Yusuf has no knowledge as to the particular payments and transactions between the Partnership and Seaside Market and, therefore, is unable to provide any information responsive to this Request.

Supplemental Response:

Yusuf supplements his response as the substance of his objection was addressed by the Master's Order dated April 12, 2018.

Yusuf attaches a 2015 West Archive Customer Ledger reflecting all transactions between Plaza Extra West and Seaside Market & Deli. (Bates FY 015033). Upon reasonable and diligent search, Yusuf shows that he has been unable to locate the back-up documentation for the transactions listed in the ledger at the Plaza Extra East Store and believes that the supporting documentation is located at the Plaza Extra West Store to which Yusuf has no access.

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: April 20, 2018

By:



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*Attorneys for Fathi Yusuf and United
Corporation*

CERTIFICATE OF SERVICE

It is hereby certified that on this 17th day of April, 2018, I caused the foregoing a true and exact copy of the foregoing **YUSUF'S SUPPLEMENTAL RESPONSE TO HAMED'S REQUEST FOR PRODUCTION OF DOCUMENT NOS. 1 and 3** to be served upon the following via Case Anywhere docketing system:

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E-Served: Apr 20 2018 4:23PM AST Via Case Anywhere
2015 Plaza West Archive
Customer Ledgers

For the Period From Jul 1, 2014 to Mar 31, 2015

Filter Criteria includes: 1) IDs: SEASIDE. Report order is by ID. Report is printed in Detail Format.

Customer ID Customer	Date	Trans No	Type	Debit Amt	Credit Amt	Balance
SEASIDE	7/11/14	20140711-1	SJ	1,325.36		1,325.36
SEASIDE MARKET & DE	7/11/14	20140711-2	SJ	428.66		1,754.02
	7/11/14	20140711-3	SJ	81.55		1,835.57
	7/16/14	20141611-1	SJ	407.04		2,242.61
	7/16/14	20141611-2	SJ	233.33		2,475.94
	7/16/14	20141611-3	SJ	724.33		3,200.27
	7/16/14	20141611-4	SJ	532.84		3,733.11
	7/22/14	20140722-1	SJ	783.04		4,516.15
	7/22/14	20140722-2	SJ	712.00		5,228.15
	7/22/14	20140722-3	SJ	2,951.84		8,179.99
	7/22/14	20140722-4	SJ	3,479.91		11,659.90
	7/23/14	0314	CRJ		11,659.90	0.00
	8/1/14	20140801	SJ	260.46		260.46
	8/12/14	0395	CRJ		260.46	0.00
	8/24/14	20140824	SJ	1,472.46		1,472.46
	8/24/14	20140824-1	SJ	1,105.21		2,577.67
	9/5/14	0584	CRJ		2,577.67	0.00
	9/8/14	20140908	SJ	8,737.93		8,737.93
	9/24/14	20140924	SJ	166.63		8,904.56
	10/5/14	0610	CRJ		8,737.93	166.63
	10/14/14	20141014	SJ	4,135.46		4,302.09
	10/15/14	20141015	SJ	3,614.86		7,916.95
	10/27/14	20141027	SJ	3,223.00		11,139.95
	10/31/14	20141031	SJ	1,463.03		12,602.98
	11/4/14	0725	CRJ		166.63	12,436.35
	11/4/14	0762	CRJ		7,750.32	4,686.03
	11/23/14	0868	CRJ		3,223.00	1,463.03
	11/25/14	0934	CRJ		1,463.03	0.00
	12/4/14	20141204	SJ	10,858.32		10,858.32
	12/21/14	1061	CRJ		10,858.32	0.00
	12/29/14	20141229	SJ	13,359.40		13,359.40
	1/12/15	1127	CRJ		13,359.40	0.00
Report Total				60,056.66	60,056.66	0.00