

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,)

v.)

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

v.)

CIVIL NO. SX-12-CV-370

ACTION FOR INJUNCTIVE
RELIEF, DECLARATORY
JUDGMENT, AND
PARTNERSHIP DISSOLUTION,
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,)

v.)

UNITED CORPORATION,)

Defendant.)

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES AND
DECLARATORY JUDGMENT

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff,)

v.)

FATHI YUSUF,)

Defendant.)

CIVIL NO. SX-14-CV-278

ACTION FOR DEBT AND
CONVERSION

FATHI YUSUF and)
UNITED CORPORATION,)

Plaintiffs,)

v.)

CIVIL NO. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

THE ESTATE OF MOHAMMAD HAMED,)
Waleed Hamed as Executor of the Estate of)
Mohammad Hamed, and)
THE MOHAMMAD A. HAMED LIVING TRUST,)

Defendants.)

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AND FEUERZEIG, LLP

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**RESPONSE TO HAMED'S
INTERROGATORIES 2 THROUGH 13 OF 50 - NEW CLAIM NUMBERS:
Y-8, H-1, H-23, H-19, H-33, H-34, H-37, H-144, H-145, H-155, H-156, H-158 & H-160**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Interrogatory 2 through 13 of 50 as to New Claim Numbers: Y-8, H-1, H-23, H-19, H-33, H-34, H-37, H-144, H-145, H-155, H-156, H-158 & H-160.

GENERAL OBJECTIONS

Defendants make the following general objections to the Interrogatories. These general objections apply to all or many of the Interrogatories, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Interrogatories, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Interrogatories to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Interrogatories to the extent that they use 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) Defendants object to these Interrogatories to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Interrogatories to the extent that they seek 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) Defendants object to these Interrogatories to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Interrogatories to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Interrogatories are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-

privileged, responsive information is discovered, these Interrogatories will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Interrogatories to the extent that they are compound and not a single Request. Hence, these Interrogatories should be counted as more than a single Request such that when all of the subparts are included together with other Interrogatories they exceed the 50 Interrogatories allowed in the Joint Discovery and Scheduling Plan ("JDSP").

RESPONSES TO INTERROGATORIES

Interrogatory 2 of 50 – New Claim Number Y-08 – Old Claim #: Y's III.F

Water Revenue Owed United

Describe in detail, by month, from Sept 17, 2006 to 2014, the amount of water sold to the Partnership, by whom it was sold, the number of gallons per month, the per gallon cost in each of those months, the total value of the gallons sold by month, year and total amount – and describe any ledgers, shipping invoices, receipts or other documents which support your claim as well as any witnesses who would have knowledge and what knowledge you believe they have.

RESPONSE:

Defendants first object that this Interrogatory is unclear as it requests information about water sold "to the Partnership." United's claim against the Partnership is that the Partnership sold United's water from the Plaza Extra-East location. After May 5, 2004, the proceeds from the sale of United's water were to be paid to United, not the Partnership. Nonetheless, in an effort to respond to what appears to be questions relating to the support and calculations for water sales due to United from the Partnership, Defendants submit that the calculations set forth Yusuf's Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2006 ("Yusuf's Claims") were based upon two years of sales in 1997 (\$52,000) and 1998 (\$75,000) for an average of \$5,291.66 per month. As Waleed Hamed was in charge of the Plaza

Extra-East location where the sales took place, Yusuf will be seeking additional information from him as part of the written discovery propounded on him. The number listed in the claims was the average monthly sales multiplied by 131 months demonstrating that United is owed \$693,207.46 from the Partnership for the water sales revenue from April 1, 2004 through February 28, 2015. Yusuf submits that discovery is on-going and that he will supplement this response as and when appropriate.

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Interrogatory 3 of 50 – New Claim Number H-001-- Old Claim #: 201

Reimbursement for sale of the Dorthea condo

Describe what was sold and to whom, as well as each payment received for the sale of that stock -- with particularity. For each such payment, this will include but not be limited to payor, receiving party, amount, where deposited, present location of funds and what amount, if any, of this was given to any member of the Hamed family. Identify any documents which support or relate to your response, and any witnesses who would have knowledge and what knowledge you believe they have.

RESPONSE:

Defendants object to this Interrogatory as it is vague, ambiguous and involves a transaction occurring prior to the Accounting Order limiting claims between the Partners to those prior to September 17, 2006.

Interrogatory 4 of 50 – New Claim Number H-023-- Old Claim #: 299

2015 Workers' Compensation payment for Plaza East

For each of claims H-23, H-24, H-25, H-28 and H-29 individually, explain why Hamed or the Partnership is liable for such payments for goods/services provided *after the stores were transferred to the individual partners*. Identify any documents which support or relate to your response, and any witnesses who would have knowledge and what knowledge you believe they have.

RESPONSE:

Defendants object to this Interrogatory because it is compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions. Each one of the claims H-23, H-24, H-25, H-28 and H-29 relate to a separate transaction and cannot be combined into a single interrogatory so as to circumvent the limitation on the number of interrogatories allowed.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries

as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Despite the objection, John Gaffney undertook the time to research the issues addressed in this interrogatory, incurring numerous hours of time to do so and has provided the following explanations:

a. 2015 Worker's Compensation Payment for Plaza Extra East: This was addressed in detail at the time that it was incurred so as to get everyone's (Hamed and Yusuf) approval of the Worker's Comp apportionment for the wages paid through March 8, 2015 (the date of the split). In fact, Worker's Comp became a priority item right after the store split that required a Hamed signature on the check. Getting signatures was difficult and Gaffney had to void the first payment and prepared special schedules to the satisfaction of the Hameds before obtaining their signature for payment. The detail was also provided for this item either directly as part of the bi-monthly reporting obligation or indirectly in response to questions following the submission of the bi-monthly report. Typically, Gaffney provided the detail directly to Attorney Holt followed by a verbal explanation until all of Attorney Holt's questions were answered. Gaffney believes that he may have also discussed it with the accountants for Hamed in the period shortly after the split.

Old Claim#: 299 was previously answered by John Gaffney. Also see the detailed computation of the reimbursement from the partnership in the amount of \$9,558.60 which was reviewed and approved by the Master. This information was also included in the financial data accompanying the Liquidating Partner's bi-monthly in June 2015. This computation was based upon actual wages (not estimated), therefore, there is no argument as to its accuracy.

To eliminate any doubt as to who paid the Workers' Comp premium in 2015, Defendants will produce a copy of the validated report and payment on March 30, 2015 from the new account of Plaza East. *See* Bates No. FY015041-44.

b. As to H-28: Since the STT Lease was in the name of United Corporation, it was understood that the communication from the Landlord would be directed to United. After spending time reviewing the documents, which allegedly support H-28, Gaffney was unable to find any support for the any claim that KAC357, Inc. paid \$38,484.35 for 2015. All of the items reflect information from 2014 and earlier years. The summary schedule provided by Hamed appears to cross reference the \$38,484.35 to Exhibit 329-a, but that does not appear to be the same exhibit assigned to the allocation for 2015 – meaning there appears to be no support for the contention that \$38,484.35 was paid by KAC357, Inc.

c. As to H-24: This item was paid by the partnership for 2015. The first attempt to pay was made in February, 2015 at Plaza West. Hisham Hamed refused to co-sign payments for both East and West. Ultimately Court intervention required the parties to sign off on “business as usual” expenditures. *See* Bates No. FY015034-40.

As significant time was incurred in the pursuit of these items and the supporting documentation, Defendants reiterate their objection that as to partnership accounting questions of John Gaffney, Hamed should bear the responsibility for the costs of Gaffney's time, particularly as much of the information requested has been previously provided and explained.

Interrogatory 5 of 50 – New Claim Number H-019-- Old Claim #: 278

KAC357, Inc. payment of Partnership WAPA invoices.

Please explain why KAC357, Inc. was not reimbursed for this Partnership expense. If it was not a Partnership expense why not, and, if it was reimbursed, please identify where the reimbursement is reflected on the general ledger and describe the documents, including the dates that evidenced this payment. Identify any documents which support or relate to your response, and any witnesses who would have knowledge and what knowledge you believe they have.

See Exhibit 278, Exhibits to JVZ Engagement Report, September 28, 2016, bates numbers JVZ-001243-JVZ-001248.

RESPONSE:

Defendants object to this interrogatory since KAC357, Inc. is not a party to this case and its "claims" are not part of the accounting claims referred to the Master for his report and recommendation.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at

or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

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Interrogatory 6 of 50 – New Claim Number H-033-- Old Claim #: 338

Merrill Lynch accounts that still existed in 2012 (ML 140-21722, ML 140-07884, and ML 140-07951) financed with Partnership funds.

Describe in detail the purposes and use of Merrill Lynch accounts from 9/17/2006 through the present: ML 140-21722, ML 140-07884 and ML 140-07951. If any of these Merrill Lynch accounts have been closed, please identify the date the account was closed, who closed it, the amount remaining in the account at the time it was closed and who the money was given to at the time of closing. Identify any documents which support or relate to your response, and any witnesses who would have knowledge and what knowledge you believe they have.

RESPONSE:

Defendants object to this Interrogatory as these accounts are not Defendants' or the Partnership's accounts and thus, "the proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(iii). ML140-21722 is in the name of Fathieh Yousef, who is Yusuf's niece. ML-140-07884 and ML-140-07951 are accounts in the name of Hamdan Diamond. Hamed seeks information regarding the purposes, uses and closure of these account from September 17, 2006 to the present, he should be required to obtain that information from the account holders.

Interrogatory 7 of 50 – New Claim Number H-034-- Old Claim #: 340

Rents collected from Triumphant church

Please explain how, when and why rents from the church were collected by a Yusuf family member, and where those funds went. Describe all documents, including but not limited to, general ledger entries and cancelled checks, substantiating a credit back to the Partnership for the rents collected by Negeh Yusuf from the Triumphant church as documented in Exhibit 340, Exhibits to JVZ Engagement Report, September 28, 2016, bates numbers JVZ-001369-JVZ-001382.

RESPONSE:

Yusuf has filed a Motion to Strike Hamed's Amended Claim Nos. H-41 through H-141 and Additional "Maybe" Claims ("Motion to Strike") seeking to strike Hamed Claim 34, which is the subject of this interrogatory. Yusuf incorporates by reference his Motion to Strike as if fully set forth herein verbatim and submits that because there is a pending Motion to Strike, the requirement for a response should be stayed pending the resolution.

Interrogatory 8 of 50 – New Claim Number H-037-- Old Claim #: 353

Due to/from Fathi Yusuf

Please provide a detailed explanation for each entry on Exhibit 353-a, including, but not limited to, the business purpose for each transaction, what each entry represents, who received what payouts from this entry and the amounts, where each entry is recorded on the general ledger (both current and historical, if applicable), and a description of the documents that support your response. Make sure your response includes the following general ledger entries:

- West, 9130115, JE30-03, GENJ, CLEAR MISC YUSUF/PSHIP DUE TO /FR ACCOUNTS, \$120,167.33
- STT, 9/30/15, JE30-01, GENJ, CLEAR YUSUF/PSHIP MISC DUE TO /FR ACCOUNTS ON 9130, \$186,819.33
- West, 9/30/15, JE03-30, GENJ, CLEAR MISC YUSUF/PSHIP DUE TO/FR ACCOUNTS, \$900,000

(See Exhibits 353-a, Exhibits to JVZ Engagement Report, September 28, 2016, bates number JVZ-001543.)

RESPONSE:

Defendants object to this Interrogatory because it is compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions. Each one of the questions relate to a separate transaction and cannot be combined into a single interrogatory so as to circumvent the limitation on the number of interrogatories allowed.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John

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Interrogatory 9 of 50 – New Claim Number H-144-- Old Claim #: 492

\$900,000 Estimated tax payment for United Corporation Shareholders in April 2013

Please provide a detailed explanation for the April 2013 \$900,000 estimated tax payment for United Corporation shareholders, including, but not limited to, the business reason for the payout, the names of the individuals whose taxes were being paid and the amount paid for each individual, a description of why the Partnership should pay United Corporation shareholders' taxes, an entity wholly separate from the Partnership, and a description of all documents related to this entry. If the Hameds received an equal payout, please describe the general ledger entry substantiating that payout and describe all of the documents evidencing that payout (cancelled checks, for example). If they did not, explain why.

RESPONSE:

Defendants object to this Interrogatory because it is compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and terms of the JDSP limiting the number of interrogatory questions.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries

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Interrogatory 10 of 50 – New Claim Number H-145-- Old Claim #: 3003

WAPA deposits paid with Partnership funds

Explain the allocation of the returned WAPA deposit and interest, including, but not limited to, why the return of Partnership funds was allocated to the United Corporation, limited to, why the distribution to United was called a capital distribution, a description of all documents, testimony or affidavits showing that United funds were used for the initial deposit, why the WAPA deposit and interest for PE-West was allocated to Plessen, even though the funds are Partnership funds and how much of the PE-Tutu deposit and interest was allocated to expenses that occurred after May 1, 2015, a description of exactly where deposit and interest ended up for each of the three stores and a detailed description of all the documents that support your answer.

RESPONSE:

Defendants object to this Interrogatory because it is vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at

or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Interrogatory 11 of 50 – New Claim Number H-155-- Old Claim #: 359/362

Employee Loans

Please describe each loan in detail, including the date the loan was paid back, where that is reflected on the general ledger, what the \$26,170.57 represents and how that amount was allocated between the Partners (including a description of where the \$26,170.57 allocated between the Partners is located on the general ledger), provide a description of any documents related to the employee loans listed and the employee loans due to poor accounting, and why the loans were reflected as payables and not receivables:

-West, 7/17/13, 20130717, PJ, ABDELKRIM BOUNCENNA – EMPLOYEE LOAN, \$2,000
-West, 10/18/13, 20131018 – LOAN, PJ Lissette Lima, \$4,000/West, 10/18/13, 6645, CDJ LISSETTE LIMA – Invoice, 20131018-LOAN \$4,000.00
-West, 9/30/15, XJE30-05, GENJ, W/O EMP LOANS DUE TO POOR ACTG & EMP XFERS AFTER SPLIT, \$26,170.57.

RESPONSE:

Defendants object to this Interrogatory because it is vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and terms of the JDSP limiting the number of interrogatory questions. Each one of the questions relate to a separate transaction and cannot be combined into a single interrogatory so as to circumvent the limitation on the number of interrogatories allowed.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John

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Interrogatory 12 of 50 – New Claim Number H-156-- Old Claim #: 372/379

Unclear General Ledger entries regarding miscellaneous adjustments to employee loans

For the following transactions, please explain what “misc adj’s to empl Ins per analysis” means, what “restore emp loan to GL per analysis” means, what analysis was conducted for each transaction, describe in detail when, how and why each transaction was made, who approved it and describe all documents related to these three transactions:

- West, 7/31/13, XJE31-2, GENJ, RECORD MISC ADJ'S TO EMP LNS PER ANALYSIS, \$48,968.00
- West 2/28/13, JE32-02, GENJ, Restore Emp Loans to GL per Analysis, \$36,975.26
- West 2128113, JE32-02, GENJ, Restore Emp Loans to GL per Analysis, \$36,961.40

RESPONSE:

Defendants object to this Interrogatory because it is vague, ambiguous and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and terms of the JDSP limiting the number of interrogatory questions. Each one of the questions relate to a separate transaction and cannot be combined into a single interrogatory so as to circumvent the limitation on the number of interrogatories allowed.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if

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Interrogatory 13 of 50 – New Claim Number H-158 -- Old Claim #: 403/413

Unclear general ledger entries for By Order

For the entry listed below, please describe who By-Order is, what this entry is for, detail all transactions that went into this amount and provide a description of all documentation supporting this entry, including but not limited to, cancelled checks, bank statements, credit card statements and invoices:

-West, 9/30/15, JE31, GENJ, ADJ BY ORDER 2015 FULL SETTLE BY SHOP CRT AS DIV, \$260,490.72

RESPONSE:

Defendants object to this Interrogatory because it is vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions. Each one of the questions relate to a separate transaction and cannot be combined into a single interrogatory so as to circumvent the limitation on the number of interrogatories allowed.

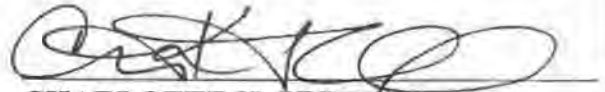
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undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By:



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CERTIFICATE OF SERVICE

It is hereby certified that on this 5th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S INTERROGATORY 2-13 OF 50 AS TO CLAIM H-143** to be served upon the following via Case Anywhere docketing system:

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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,)

v.)

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

v.)

CIVIL NO. SX-12-CV-370

ACTION FOR INJUNCTIVE
RELIEF, DECLARATORY
JUDGMENT, AND
PARTNERSHIP DISSOLUTION,
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,)

v.)

UNITED CORPORATION,)

Defendant.)

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES AND
DECLARATORY JUDGMENT

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff,)

v.)

FATHI YUSUF,)

Defendant.)

CIVIL NO. SX-14-CV-278

ACTION FOR DEBT AND
CONVERSION

FATHI YUSUF and)
UNITED CORPORATION,)

Plaintiffs,)

v.)

CIVIL NO. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

THE ESTATE OF MOHAMMAD HAMED,)
Waleed Hamed as Executor of the Estate of)
Mohammad Hamed, and)
THE MOHAMMAD A. HAMED LIVING TRUST,)

Defendants.)

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**RESPONSES TO HAMED'S THIRD INTERROGATORIES PER THE CLAIM
DISCOVERY PLAN OF 1/29/2018 NOS. 14-15 OF 50 AS TO Y-6, BLACK BOOK
BALANCE OWED UNITED,
AND Y-7 LEDGER BALANCES OWED UNITED**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Third Set of Interrogatories Per the Claims Discovery Plan of 1/29/2018, Nos. 14-15 of 50 as to Y-6, Black Book Balance Owed United, and Y-7 Ledger Balance Owed United.

GENERAL OBJECTIONS

Defendants make the following general objections to the Interrogatories. These general objections apply to all or many of the Interrogatories, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Interrogatories, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Interrogatories to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Interrogatories to the extent that they use 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.

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(3) Defendants object to these Interrogatories to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Interrogatories to the extent that they seek 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) Defendants object to these Interrogatories to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Interrogatories to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Interrogatories are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-

privileged, responsive information is discovered, these Interrogatories will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Interrogatories to the extent that they are compound and not a single Request. Hence, these Interrogatories should be counted as more than a single Request such that when all of the subparts are included together with other Interrogatories they exceed the 50 Interrogatories allowed in the Joint Discovery and Scheduling Plan ("JDSP").

RESPONSES TO INTERROGATORIES

Interrogatory 14 of 50:

Interrogatory 14 of 50 relates to Claim Y-6 as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Black Book Balances Owed United" and Exhibit G to Yusuf's Original Claims, Relevant Black Book Entries.

Please fully describe Exhibit G – Relevant Black Book Entries, including but not limited to, the physical location of where this "Black Book" was when it was found, who first found this "Black Book," the total number of pages in this "Black Book," how this "Black Book" made it to its physical location, when the "Black Book" was placed in the location where it was found, whether the FBI ever had possession of this "Black Book", and if so for what dates, an explanation of each entry in Exhibit G, including, but not limited to, what the designation "ck #" signifies, including the bank account associated with the entry; **the date of the transaction for each entry (including the year)**; a description of each expenditure/description (*e.g.*, p.2, what does "Less Fathi Yusuf \$2,500.00 mean), an explanation of why each entry is a business expense of the Partnership, a description of the documents supporting each expenditure/description (*e.g.*, an invoice), a translation of each Arabic word/phrase/description in the exhibit, and the length of time that passed between each entry and the date the FBI seized the document – with a description of all bank, investment and other documents referenced in the exhibit or your explanation.

Response:

Defendants object to this Interrogatory because it is vague, ambiguous, and compound such that the total number of Interrogatories together with their sub parts and other discovery

exceeds the maximum allowable number of Interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Interrogatory questions.

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Interrogatory 15 of 50:

Interrogatory 15 of 50 relates to Claim Y-y- as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Ledger Balances Owed United" and Exhibit H to Yusuf's Original Claims, Ledger Sheet Reflecting United's Payments for Plaza Extra.

Please fully describe Exhibit H "Ledger Sheets Reflecting United's Payments for Plaza Extra," including, but not limited to, the physical location where this ledger sheet was found, who first found this ledger sheet, how this ledger sheet made it to its physical location, when the ledger sheet was placed in the location where it was found, whether the FBI ever had possession of this ledger sheet and if so, the dates of that possession, whether the ledger sheet is part of a larger document, and if so, the total number of pages in the larger document, an explanation of each entry on the ledger sheet, including, but not limited to, **the date of each transaction reflected in each entry (including the year)**, a description of each entry (*e.g.*, what is the name of the person the bedroom set in 1998 was purchased for), an explanation of why each entry is a business expense of the Partnership, and a description of the documents supporting each expenditure description (*e.g.*, an invoice). Also, for each such entry, state the length of time that passed between each entry and the date the FBI seized the document – with a description of all bank, investment and other documents referenced in the exhibit or your explanation.

Response:

Defendants object to this Interrogatory because it is vague, ambiguous and compound such that the total number of Interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of Interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Interrogatory questions.

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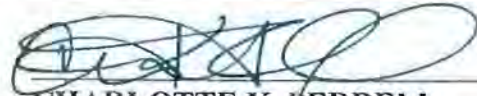
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DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By:



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CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S THIRD SET OF INTERROGATORIES PER THE CLAIMS DISCOVERY PLAN OF 1/29/2018** to be served upon the following via Case Anywhere docketing system:

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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
	)	PARTNERSHIP DISSOLUTION, WIND UP, AND ACCOUNTING
Defendants/Counterclaimants,)	
v.)	
WALEED HAMED, WAHEED HAMED, MUFEED HAMED, HISHAM HAMED, and PLESSEN ENTERPRISES, INC.,)	
<u>Additional Counterclaim Defendants.</u>	)	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,)	
)	
<u>Defendant.</u>)	
WALEED HAMED, as Executor of the Estate of MOHAMMAD HAMED,	)	CIVIL NO. SX-14-CV-278
)	
Plaintiff,	)	ACTION FOR DEBT AND CONVERSION
v.)	
FATHI YUSUF,)	
)	
<u>Defendant.</u>)	
FATHI YUSUF and UNITED CORPORATION,	)	CIVIL NO. ST-17-CV-384
)	
Plaintiffs,	)	ACTION TO SET ASIDE FRAUDULENT TRANSFERS
v.)	
THE ESTATE OF MOHAMMAD HAMED, Waleed Hamed as Executor of the Estate of Mohammad Hamed, and THE MOHAMMAD A. HAMED LIVING TRUST,)	
)	
<u>Defendants.</u>)	

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**RESPONSES TO HAMED'S FOURTH INTERROGATORIES PER THE CLAIM
DISCOVERY PLAN OF 1/29/2018 NOS. 16-28 OF 50**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Fourth Set of Interrogatories per the Claims Discovery Plan of 1/29/2018, Nos. 16-28 of 50 as to Y-5: Reimburse United For Gross Receipt Taxes; H-150 And H-160: United's Gross Receipts Taxes; H-152: United's Corporate Franchise Taxes And Fees; H-153: P Funds Used to Pay United's Property Insurance; H-7: Kac357, Inc. Payment Of Invoices from J. David Jackson, PC; H-8: David Jackson, CPA, Bill Owed For Tax Work Done; H-15: NejeH Yusuf's Case Withdrawals from Safe; H-22: NejeH Yusuf Removed Property Belonging To Kac357, Inc.; H-142: Half Acre In Estate Tutu; H-146: Imbalance In Credit Card Points; H-147: Vendor Rebates; H-154: Attorney And Accounting Fees Paid Re Criminal Case; H-163: Loss Of Assets Due To Wrongful Dissolution; H-164: Inventory Adjusted Downward By \$1,660,000; H-165: Debts Totaling \$176,267.97.

GENERAL OBJECTIONS

Defendants make the following general objections to the Interrogatories. These general objections apply to all or many of the Interrogatories, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Interrogatories, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

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(1) Defendants object to these Interrogatories to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Interrogatories to the extent that they use 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) Defendants object to these Interrogatories to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Interrogatories to the extent that they seek 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) Defendants object to these Interrogatories to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Interrogatories to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Interrogatories are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-privileged, responsive information is discovered, these Interrogatories will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Interrogatories to the extent that they are compound and not a single Request. Hence, these Interrogatories should be counted as more than a single Request such that when all of the subparts are included together with other Interrogatories they exceed the 50 Interrogatories allowed in the Joint Discovery and Scheduling Plan ("JDSP").

RESPONSES TO INTERROGATORIES

Interrogatory 16 of 50:

Interrogatory 16 of 50 relates to Y-5: "Reimburse United for Gross Receipt Taxes," H-150 (old Claim No. 3002a) and H-160 (old Claim No. Exhibit A-H): "United Shopping Center's gross receipts taxes," H-152 (old Claim No. 3008a): "United's corporate franchise taxes and annual franchise fees," and H-153 (old Claim No. 3009a): "Partnership funds used to pay United Shopping Center's property insurance.

State with specificity why, assuming that Yusuf is correct that Hamed had agreed that the Partnership would pay the separate (non-partnership-related) United Corporation costs for such things as GRT taxes, franchise taxes and fees, property insurance, etc., -- what facts, conversations, writings, communications or other information or documents leads Yusuf to believe and assert that he *continued* to have Hamed's consent as to such payments after September 17, 2012, despite a lawsuit filed by Hamed seeking to stop Yusuf's involvement in the Partnership, with a claim of outright theft by Hamed, as well as Yusuf's denial of the existence of a partnership, attempted removal of the Hameds from the stores by Yusuf and letters from Hamed and his counsel stating that various of the unilateral uses of funds, payments and actions were henceforth denied and actionable?

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Further responding, Yusuf submits that in his earlier declaration he explained that “[u]nder the business agreement between Hamed and me that I now describe as a partnership, profits would be divided 50-50 after deduction for rent owed to United, among other expenses” and that “[u]nder our agreement, I was the person responsible for making all decisions regarding when the reconciliation would take place” and that Yusuf had the discretion to determine when the reconciliation would take place. *See* August 12, 2014 Yusuf Declaration, p. 2. There is no reason for Yusuf to believe that this discretion, consistent with the manner in which the partnership operated from its inception, would not continue in the same manner until its dissolution. This belief and understanding has been further confirmed with Yusuf’s designation as the Liquidating Partner under the Final Wind Up Plan of the Plaza Extra Partnership adopted by the Court by Order dated January 7, 2015. Finally, the filing of Hamed’s lawsuit on September 17, 2012 did not enable him to continue receiving the benefits of the partnership without the burdens he agreed to from the outset.

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Interrogatory 17 of 50:

Interrogatory 17 of 50 relates to Claim H-7 (old Claim No. 248): "KAC357< Inc. payment of invoices from J. David Jackson, PC and H-8 (Old Claim No. 256): "David Jackson, CPA, bill owed for tax work done related to the Partnership's. 2013 taxes," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With regard to Claims H-7 and H-8, state in detail why these invoices for work done for the Partnership were not paid by the Partnership. If you assert these are not Partnership expenses, state in detail why that is, with reference to all applicable documents, communications and witnesses.

Response:

Defendants object to this Interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object to this Interrogatory because KAC357, Inc. is not a party to this consolidated case and its "claims" are not part of the accounting claims referred to the Master for his report and recommendation.

Defendants further object to this Interrogatory on the grounds set forth in the Motion to Strike Hamed's Amended Claim Nos. H-41 through H-141 and Additional "Maybe" Claims ("Motion to Strike") seeking to strike Hamed Claim H-7. Defendants incorporate by reference their Motion to Strike as if fully set forth herein verbatim and submit that because there is a pending Motion to Strike, the requirement for a response should be stayed pending the resolution.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Without waiving these objections, Defendants state that Yusuf did not request this work on behalf of the Partnership, no evidence has been provided that it benefited the Partnership, the invoice dated June 10, 2014 reflects that all the time spent was in a conference call with Hamed's counsel alone, and 2 hours (\$555.00 at \$250.00 per hour) reviewing a tax return prepared by John Gaffney and over an hour "Research[ing] SE Tax Issues, Compose and Transmit Information." Again, none of this work was requested by Yusuf or shared with him and none of it has been shown to have benefited the Partnership.

Interrogatory 18 of 50:

Interrogatory 18 of 50 relates to Claim H-15 (old Claim No. 242): NejeH Yusuf's cash withdrawals from safe," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

This interrogatory relates to Claim H-15. This is not a question about the practices surrounding withdrawals [sic] from the safe generally, but rather an inquiry as to the particular time period set forth in the claim. State in detail how much cash NejeH Yusuf removed from the safe, where it went and where it is now -- with reference to all applicable documents and any witnesses.

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objection, all of the detail as to the cash withdrawn by NejeH Yusuf for the period in question are set forth in Exhibit 242 (b) JVZ 00180 – 186 with the date and descriptions. Defendants refer to said document in lieu of a narrative response as same would be duplicative.

Interrogatory 19 of 50:

Interrogatory 19 of 50 relates to Claim No. H-17 (old Claim No. 265): "Wally Hamed's personal payment of accounting and attorneys' fees in *United States of America v. United Corp. et al.*, VI D. Ct. 2005-cr-015," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With regard to Wally Hamed's personal payment of accounting and attorneys' fees in *United States of American v. United Corp., et al.*, VI D. Ct. 2—5-cr-015 (Claim No. H-17), describe why the Yusufs' accounting and attorneys' fees were paid with Partnership funds and Hameds' were not -- with reference to all applicable documents, communications and witnesses.

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections, Defendants submit that attorneys' fees incurred by the individual defendants in the Criminal Case were allocated as between the Hamed and Yusuf families and treated as partner distributions. *See* Table 10A and 10B of the BDO Report with supporting documentation previously provided to Hamed on September 30, 2016 and October 4, 2016.

Interrogatory 20 of 50:

Interrogatory 20 of 50 relates to Claim No. H-22 (old Claim No. 290): "Nejeh Yusuf removed property belonging to KAC357, Inc.," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

This is not a general question, but rather an inquiry as to a particular time period. With respect to Claim No. H-22, state in detail exactly what property Nejeh Yusuf removed from the store as described in this claim, where it went and where it is now – with reference to all applicable documents and witnesses.

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object to this Interrogatory because KAC357, Inc. is not a party to this consolidated case and its "claims" are not part of the accounting claims referred to the Master for his report and recommendation.

Without waiving any objections, no property belonging to KAC357, Inc. was removed by Nejeh Yusuf.

Interrogatory 21 of 50:

Interrogatory 21 of 50 relates to Claim No. H-142 (old Claim No. 490): "Half acre in Estate Tutu," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With respect to Claim No. H-142, state in detail how this half acre in Estate Tutu was purchased and what funds were used, the source of those funds and any discussions or agreements about the funds or the purchase, with reference to all applicable documents, communications and witnesses.

Response:

Defendants object to this Interrogatory because it involves a potential claim that is barred by the Court's Memorandum Opinion and Order Re Limitation on Accounting ("Limitation Order"), which limits the scope of the accounting to only those transactions that occurred on or after September 17, 2006. Pursuant to a deed dated July 26, 2006 and recorded on August 24, 2006, this property was titled in the name of Plessen Enterprises, Inc. and was not an asset of the Partnership as of September 17, 2006. Accordingly, any claims by Hamed relating to this property are clearly barred by the Limitation Order and Defendants have 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).

Moreover, this claim is the subject of Defendants' Motion to Strike Hamed's Amended Claim Nos. 142 and 143 ("Motion to Strike") seeking to strike Hamed Claim 142 on the grounds that the property was titled in the name of Plessen, was not an asset of the Partnership and is barred by the Limitation Order. Defendants incorporate by reference their Motion to Strike as if

fully set forth herein verbatim and submit that because there is a pending Motion to Strike, the requirement for a response should be stayed pending the resolution.

Interrogatory 22 of 50:

Interrogatory 22 of 50 relates to Claim No. H-146 (old Claim No. 3007): "imbalance in credit card points," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With respect to H-146, state the approximate value of these credit card points, by describing: the approximate number of points in each of the years 2008-the date of the splitting of the East and West stores; the present value of that many points if negotiated on the date of these answers at the point-to-dollar value now – and show all of your calculations, sources of information and support for this approximation.

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney

for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Without waiving any objection, Defendants submit that information relating to this request was previously provided to Hamed by John Gaffney in his correspondence dated May 17, 2016 and Defendants incorporate that response as this response as if fully set forth herein verbatim.

Interrogatory 23 of 50:

Interrogatory 23 of 50 relates to Claim No. H-147 (old Claim No. 3010): "Vendor rebates," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With respect to Claim No. H-147, for each of the years from 2008 through the date of the splitting of the East, West and STT stores, identify each rebate by vendor, state the amount of each rebate, describe the process for ensuring that rebates applied to the personal, not Partnership, credit cards were reimbursed to the Partnership, including any controls in place to ensure reimbursement to the Partnership, and describe all documents with particularity (*e.g.*, name of document, date of document, name of person or entity the document relates to) documenting the whole rebate cycle for each rebate – from vendor, to Partnership by check, Partnership credit card or personal credit card, and, if applicable reimbursement of the rebate from the personal credit card to the Partnership.

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object to this interrogatory on the grounds set forth in their Motion to Strike, which seeks to strike Hamed Claim H-147 on the basis that this is merely a question regarding a ledger entry as opposed to an actual claim. Defendants incorporate by reference their Motion to Strike as if fully set forth herein verbatim and submit that because there is a pending Motion to Strike, the requirement for a response should be stayed pending the resolution.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Interrogatory 24 of 50:

Interrogatory 24 of 50 relates to Claim No. H-154 (old Claim No. 346a): "Attorney and accounting fees paid by the Partnership for the criminal case," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With respect to Claim No. H-154, describe in detail, with specifics as to who proposed the acts, when and how the Partnership's plan to remove, hide from taxing authorities and then launder income from the stores, came about – and Yusuf's best approximation of the amounts removed and where they went As part of the explanation describe who was "in charge" of the decision – making and finances for the stores at that time and how the decision-making for the money-laundering scheme differed from the normal management. Also, state specifically, in detail, whether Fathi Yusuf thought up, directed and managed that money-laundering scheme, and if not, why not and who did – with reference to Mohammad Hamed's role. Be specific as to dates, locations, times, events and, most importantly, amounts removed and laundered.

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object to this Interrogatory because it seeks information concerning transactions barred by the Limitation Order.

Interrogatory 25 of 50:

Interrogatory 25 of 50 relates to Claim No. H-163 (old Claim No. Exhibit A-M): "Loss of assets due to wrongful dissolution- attorney's fees," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

With respect to Claim No. H-163, (1) State in detail the factual basis that Yusuf had in September through March of 2012-2013 for asserting that there was no Hamed-Yusuf Partnership as to the 3 Plaza Extra Stores, that he had the right to call the police to have the Hameds removed from the stores and had the right to cut Hamed off from partnership accounts. Identify any supporting documents as to this. (2) Describe in detail **why**, even if Yusuf had the beliefs set forth in his response to the foregoing, if he eventually admitted the existence of the Partnership for the purpose of this action, such actions did not constitute a breach of the Partnership agreement.

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Interrogatory 26 of 50:

Interrogatory 26 of 50 relates to Claim No. H-164: "Inventory adjusted downward by \$1,660,000 due to unrecorded inventory transfers to other stores," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3.

With respect to Claim No. H-164, describe all transactions in detail that relate to the inventory adjusted downward by \$1,660,000 due to unrecorded inventory transfers to other stores, with references, for each such transaction, to all related and underlying documents.

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object because all information as to the accounting performed by Mr. Gaffney during his employment as the accountant for the Partnership has been provided by John Gaffney in various forms including the submissions accompanying the numerous bi-monthly reports as well as the additional information and explanations provided by Gaffney directly to counsel and accountants for Hamed. This question relates to an accounting allocation made by the accountant to the Partnership under the supervision of the Master. Yusuf, as a partner, is without sufficient knowledge to respond to this inquiry as the information is not with in his care, custody or control. Yusuf has made reasonable inquiry into this Interrogatory and the information he knows or can readily obtain is insufficient to enable him to respond to same.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed

attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

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Interrogatory 27 of 50:

Interrogatory 27 of 50 relates to Claim No. H-165: "Debts totaling \$176,267.97, which must be paid prior to any distribution of the remaining Partnership Assets to the Partners," as of September 30, 2016, as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3.

With respect to H-165, described in detail, with reference to all related and underlying documents, each of the "debts totaling \$176,267.97, which must be paid prior to any distribution of the remaining Partnership Assets to the Partners,"

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object because all information as to the accounting performed by Mr. Gaffney during his employment as the accountant for the Partnership has been provided by John Gaffney in various forms including the submissions accompanying the numerous bi-monthly reports as well as the additional information and explanations provided by Gaffney directly to counsel and accountants for Hamed. This question relates to an accounting allocation made by the accountant to the Partnership under the supervision of the Master. Yusuf, as a partner, is without sufficient knowledge to respond to this inquiry as the information is not within his care, custody or control. Yusuf has made reasonable inquiry into this Interrogatory and the information he knows or can readily obtain is insufficient to enable him to respond to same.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Without waiving any objections, Defendants state that this information was previously provided in the exhibits to Yusuf's Accounting Claims as well as the Amended Claims. The supporting documentation for same has been provided in the numerous bi-monthly reports or the accompanying financial information prepared by John Gaffney. Defendants incorporate same in lieu of a narrative response.

Interrogatory 28 of 50:

Describe in detail any criminal charges, convictions, plea agreements, or other criminal actions as to Fathi Yusuf for any entity which he controlled other than United Corporation. For each such event describe in detail, the dates involved, the police or other authority involved, the full description of the charges, the full description of the proceedings, the outcome, any restrictions imposed on Fathi Yusuf during or after – with a description of all relevant document and witnesses.

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object to this Interrogatory on the grounds that “the proposed discovery is not relevant to any party’s claim or defense.” V.I. R. Civ. P. 26(b)(2)(C)(iii). The issues to be resolved in this case relate to the dissolution of the Partnership and the associated accounting as to historical withdrawals. Various family members of the Hamed and Yusuf families were defendants in certain criminal cases involving this case of which all parties are well aware. There are no issues currently pending to which this question would be even remotely relevant.

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By: 

CHARLOTTE K. PERRELL

(V.I. Bar #1281)

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*Attorneys for Fathi Yusuf and United
Corporation*

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S FOURTH INTERROGATORIES PER THE CLAIMS DISCOVERY PLAN OF 1/29/2018, NOS. 16-28** to be served upon the following via Case Anywhere docketing system:

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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
	)	PARTNERSHIP DISSOLUTION, WIND UP, AND ACCOUNTING
Defendants/Counterclaimants,)	
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,)	
	)	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,	)	ACTION FOR DEBT AND CONVERSION
v.)	
FATHI YUSUF,)	
)	
Defendant.)	
FATHI YUSUF and UNITED CORPORATION,	)	CIVIL NO. ST-17-CV-384
)	
Plaintiffs,	)	ACTION TO SET ASIDE FRAUDULENT TRANSFERS
v.)	
THE ESTATE OF MOHAMMAD HAMED, Waleed Hamed as Executor of the Estate of Mohammad Hamed, and THE MOHAMMAD A. HAMED LIVING TRUST,)	
)	
Defendants.)	

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**RESPONSES TO HAMED'S FIFTH INTERROGATORIES PER THE CLAIM
DISCOVERY PLAN OF 1/29/2018 NOS. 29-32 OF 50**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Fifth Set of Interrogatories per the Claims Discovery Plan of 1/29/2018, Nos. 29-32 of 50 as to Y-2: Rents for Bays 5 & 8; Y-12: Foreign Accts and Jordanian Properties; H-157: Unclear General Ledger Entry Regarding "Fathi Yusuf Refund of Overpayment;" H-35: KAC357, Inc.'s American Express Payments Deposited to Partnership Account.

GENERAL OBJECTIONS

Defendants make the following general objections to the Interrogatories. These general objections apply to all or many of the Interrogatories, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Interrogatories, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Interrogatories to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Interrogatories to the extent that they use 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) Defendants object to these Interrogatories to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Interrogatories to the extent that they seek 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) Defendants object to these Interrogatories to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Interrogatories to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Interrogatories are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-

privileged, responsive information is discovered, these Interrogatories will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Interrogatories to the extent that they are compound and not a single Request. Hence, these Interrogatories should be counted as more than a single Request such that when all of the subparts are included together with other Interrogatories they exceed the 50 Interrogatories allowed in the Joint Discovery and Scheduling Plan ("JDSP").

RESPONSES TO INTERROGATORIES

Interrogatory 29 of 50:

Interrogatory 29 of 50, relates to Claim Y-2: "Rents for Pays 5 & 8." Please describe all facts related to this claim with reference to dates, documents, witnesses and what facts, conversations, writings, communications or other information or documents that leads United to believe and assert that it had an agreement with Hamed to pay rent for Bays 5 and 8. Include in your description the dates of the conversations, writings, communication or other documents, the place where these discussions or meetings took place and identify the participants to the discussions or meetings. Include in your response, but not limit to what facts, conversations, writings, communications or other information or documents that leads Yusuf to believe and assert that any consent for such an arrangement survived the bringing of a suit in September of 2012.

Response:

Defendants object to this Interrogatory because it is compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum

allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objection to this Interrogatory, Defendants incorporate the Declaration of Fathi Yusuf dated August 12, 2014 attached as Exhibit 3 to the Defendants' Motion for Partial Summary Judgment on Counts IV, IX, and XII Regarding Rent, particularly paragraphs 21-25 thereof, as their response to this Interrogatory.

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Interrogatory 30 of 50:

Interrogatory 30 of 50 relates to Y-12: "Foreign Accts and Jordanian Properties."

This interrogatory relates to Claim &-12: "Foreign Accts and Jordanian Properties." Please identify all foreign accounts and Jordanian properties that were funded or purchased with funds from the Plaza Extra supermarkets. For each such foreign account individually: include the name of the account, the account number, the name of the institution and its location, the date it was opened, how money generated by the Plaza Extra supermarkets got into the foreign account, the dates deposits and withdrawals were made from each account and the amounts, the date the last transaction on the account occurred, whether the account is active or closed. If open, provide the present balance and if closed, please identify the date the account closed and who closed it. For the Jordanian property, for each property individually please identify (in English) the date it was purchased, the name of the title holder, the property description, who presently owns the property, whether the purchase was in cash or was transferred from a bank, and how all funds generated or provided by Plaza Extra supermarkets were transferred for the purchase of the property (including amounts and dates of all such transactions).

Response:

Defendants object to this Interrogatory because it is compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objection to this Interrogatory, Yusuf incorporates the information concerning the foreign accounts and Jordanian properties set forth in his September 30, 2016 Accounting Claims and Proposed Distribution Plan, his October 30, 2017 Amended Accounting Claims and his December 12, 2016 Amended Supplementation of Accounting Claims as responsive to this Interrogatory.

Interrogatory 31 of 50:

Interrogatory 31 of 50 relates to Claim H-157 (old Claim No. 402/418): Unclear general ledger entry regarding 'Fathi Yusuf refund of overpayment,' as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

This interrogatory relates to Claim H-157. Please describe in detail what the general ledger entry "West, 7/14/15, JE14, GENJ, YUSUF REFUND OF OVERPMY, \$77,335.62," references, including why Yusuf was entitled to a refund of overpayment in the amount of \$77,335.62, what the \$77,335.62 covers, a description of all documents supporting this transaction and identification of any witnesses and what knowledge you believe they have.

Response:

Defendants object to this Interrogatory because it is compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer

questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

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Interrogatory 32 of 50:

Interrogatory 32 of 50 relates to Claim No. H-35 (old Claim No. 343): "KAC357, Inc.'s American Express payments deposited to Partnership account," as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master, Exhibit 3 and the September 28, 2016 JVZ Engagement Report and Exhibits.

This interrogatory relates to Claim H-35. Describe all fact relevant to whether, after the Plaza Extra West store was transferred out of the Partnership, American Express payments to that Store were still being deposited into the Partnership Banco Popular account. Describe all facts relevant to whether this occurred due to an error in configuring the credit card processing machines on the part of the Banco Popular technician, or if not, why this occurred. Please explain any facts as to why factual or legal basis as to why these amounts have not been reimbursed to KAC357, Inc. Include an identification of all documents or witnesses. If they have been reimbursed, please describe all documents that would substantiate the reimbursement, including, but not limited to, bank records.

Response:

Defendants object to this Interrogatory because it is vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants object to this interrogatory since KAC357, Inc. is not a party to this case and its "claims" are not part of the accounting claims referred to the Master for his report and recommendation.

Defendants further object because all information as to the accounting performed by Mr. Gaffney during his employment as the accountant for the Partnership has been provided by John Gaffney in various forms including the submissions accompanying the numerous bi-monthly

reports as well as the additional information and explanations provided by Gaffney directly to counsel and accountants for Hamed. This question relates to an accounting allocation made by the accountant to the Partnership under the supervision of the Master. Yusuf, as a partner, is without sufficient knowledge to respond to this inquiry as the information is not with in his care, custody or control. Yusuf has made reasonable inquiry into this Interrogatory and the information he knows or can readily obtain is insufficient to enable him to respond to same.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By:



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Corporation*

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S FIFTH INTERROGATORIES PER THE CLAIMS DISCOVERY PLAN OF 1/29/2018, NOS. 29-32** to be served upon the following via Case Anywhere docketing system:

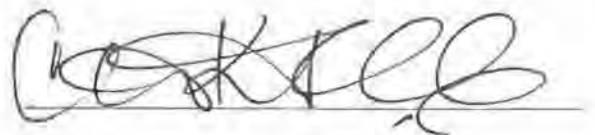
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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)
)
Plaintiff/Counterclaim Defendant,)

v.)

FATHI YUSUF and UNITED CORPORATION,)
)
Defendants/Counterclaimants,)

v.)

CIVIL NO. SX-12-CV-370

ACTION FOR INJUNCTIVE
RELIEF, DECLARATORY
JUDGMENT, AND
PARTNERSHIP DISSOLUTION,
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,)

v.)

UNITED CORPORATION,)
)
Defendant.)

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES AND
DECLARATORY JUDGMENT

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)
)
Plaintiff,)

v.)

FATHI YUSUF,)
Defendant.)

CIVIL NO. SX-14-CV-278

ACTION FOR DEBT AND
CONVERSION

FATHI YUSUF and)
UNITED CORPORATION,)
)
Plaintiffs,)

v.)

CIVIL NO. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

THE ESTATE OF MOHAMMAD HAMED,)
Waleed Hamed as Executor of the Estate of)
Mohammad Hamed, and)
THE MOHAMMAD A. HAMED LIVING TRUST,)
)
Defendants.)

DUDLEY, TOPPER
AND FEUERZEIG, LLP
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P.O. Box 756
St. Thomas, U.S. V.I. 00804-0756
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**RESPONSES TO HAMED'S SIXTH INTERROGATORIES PER THE CLAIM
DISCOVERY PLAN OF 1/29/2018 NOS. 33-41 OF 50**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Sixth Set of Interrogatories per the Claims Discovery Plan of 1/29/2018, Nos. 33-41 of 50.

GENERAL OBJECTIONS

Defendants make the following general objections to the Interrogatories. These general objections apply to all or many of the Interrogatories, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Interrogatories, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Interrogatories to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Interrogatories to the extent that they use 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) Defendants object to these Interrogatories to the extent they seek 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 Defendants or relating to mental

impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Interrogatories to the extent that they seek 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) Defendants object to these Interrogatories to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Interrogatories to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Interrogatories are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-privileged, responsive information is discovered, these Interrogatories will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Interrogatories to the extent that they are compound and not a single Request. Hence, these Interrogatories should be counted as more than a single Request such that when all of the subparts are included together with other Interrogatories they exceed the 50 Interrogatories allowed in the Joint Discovery and Scheduling Plan ("JDSP").

RESPONSES TO INTERROGATORIES

Interrogatory 33 of 50:

Substantially the Same as Yusuf ROG 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 Yusuf family members: 1) Fathi, 2) Mike, 3) Negeh, and 4) Yusuf Yusuf *from September 17, 2006 to the date of your response* and identify the source of all funds for the acquisition of such assets.

Response:

Defendants object to this Interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object to this Interrogatory because it seeks personal financial information concerning Yusuf's sons, who are not parties to this case.

Defendants further object to this Interrogatory because it seeks personal information when there has been no allegation that monies were removed from the partnership by any member of the Yusuf family which were not otherwise disclosed to the Hameds. Furthermore, unlike the Hameds, the Yusufs had sources of income other than the partnership which would

account for income and assets in excess of the funds acknowledged to have been withdrawn from the partnership. Hence, the discovery is irrelevant because “the proposed discovery is not relevant to any party’s claim or defense.” V.I. R. Civ. P. 26(b)(2)(C)(iii).

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Interrogatory 34 of 50:

Substantially the Same as Yusuf ROG 2. Please identify each and every asset and interest, foreign and domestic, owned by Fathi Yusuf or any corporation more than 49% owned by him *from September 1, 2012 to the date of this response* -- 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:

Defendants object to this Interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object to this Interrogatory because it seeks personal information when there has been no allegation that monies were removed from the partnership by any member of the Yusuf family which were not otherwise disclosed to the Hameds. Furthermore, unlike the Hameds, the Yusufs had sources of income other than the partnership which would account for income and assets in excess of the funds acknowledged to have been withdrawn from the partnership. Hence, the discovery is irrelevant because "the proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(iii).

Interrogatory 35 of 50:

Substantially the Same as Yusuf ROG 3. Please identify all sources of income for 1) Fathi, 2) Mike, 3) Nejeih, and 4) Yusuf Yusuf from September 17, 2006 to the date of your response and identify the source of all funds for the acquisition of such assets.

Response:

Defendants object to this Interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object to this Interrogatory because it seeks personal financial information concerning Yusuf's sons, who are not parties to this case.

Defendants further object to this Interrogatory because it seeks personal information when there has been no allegation that monies were removed from the partnership by any member of the Yusuf family which were not otherwise disclosed to the Hameds. Furthermore, unlike the Hameds, the Yusufs had sources of income other than the partnership which would account for income and assets in excess of the funds acknowledged to have been withdrawn from the partnership. Hence, the discovery is irrelevant because "the proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(iii).

Interrogatory 36 of 50:

Substantially the Same as Yusuf ROG 4. Please describe who selected counsel to represent the Yusuf 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:

Defendants object to this Interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections, Yusuf replaced Robert King, Esq. with Hank Smock, Esq. as his counsel for the Criminal Case upon the recommendation of Gordon Rhea, who was engaged by Waleed Hamed and who assumed the role of "lead" counsel. United initially made the payments for Yusuf but amounts paid by United for Yusuf were later recognized as a partnership distribution to Yusuf as reflected in the BDO Report, Table 38A.

Mike Yusuf engaged John Dema, P.C. as his counsel for the Criminal Case upon the recommendation of Gordon Rhea, attorney for Waleed Hamed. United initially made the payments for Mike Yusuf but amounts paid by United for Mike Yusuf were later recognized as a partnership distribution to Yusuf as reflected in the BDO Report, Table 51.

Nejeh Yusuf engaged Derek Hodge, P.C. as his counsel for the Criminal Case upon the recommendation of Gordon Rhea, attorney for Waleed Hamed. United initially made the payments for Nejeh Yusuf but amounts paid by United for Nejeh Yusuf were later recognized as a partnership distribution to Yusuf as reflected in the BDO Report, Table 45.

Interrogatory 37 of 50:

Substantially the Same as Yusuf ROG 6. Identify all distributions from the Partnership to any member of the Yusuf family or United Corporation from September 17, 2006 to present?

Response:

Defendants object to this Interrogatory on the grounds that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections, all distributions and supporting documentation are reflected and categorized by each individual Yusuf family member in the BDO Report, Tables 35A through 68. Said Tables and supporting documentation are specifically incorporated by reference as if fully set forth herein as responsive to this interrogatory.

Interrogatory 38 of 50:

Like Yusuf ROG 14. Identify all assets or amounts in excess of \$10,000 that were transferred to or from Fathi Yusuf or United Corporation from September 17, 2012 to date and what was the value of said assets upon transfer?

Response:

Defendants object to this Interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years

ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Without waiving any objections, all transfers from United Corporation d/b/a Plaza Extra Stores and accounting information reflecting any transactions have been provided to the Hamed's contemporaneously through the Sage 50 Accounting software. In addition, Hamed has had access to all accounting records for United reflecting any checks or transfers made during the timeframe in question. Hence, the information has been provided to Hamed and the burden of reproducing same would be equal for Hamed to gather.

Interrogatory 39 of 50:

Like Yusuf ROG 15. What assets were held by Fathi Yusuf and United Corporation as the date of death of Mohammad Hamed?

Response:

Defendants object to this Interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object to this interrogatory as it is irrelevant to the matters at issue in this case. The interrogatory was requested of Hamed as Hamed had acknowledged that all of his assets were transferred into a trust at the time of the filing of the suit and that no assets remained in the Estate of Mohammad Hamed at the time of his death, raising issues as to fraudulent conveyance and whether representations made to the Court earlier in the litigation were truthful. No such allegation as to the solvency of Yusuf has been raised or is at issue and thus, the "proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(ii).

Interrogatory 40 of 50:

Substantially the Same as Yusuf ROG 17. Has any member of the Yusuf family held assets for the benefit of Fathi Yusuf 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:

Defendants object to this Interrogatory on the grounds that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections, no.

Interrogatory 41 of 50:

Substantially the Same as Yusuf ROG 19. Identify all facts and circumstances relating to Yusuf Claims No. 2-5 and 10-12 and identify, all documents relating to each claim.

- Y-02** Unpaid rent for Plaza Extra-East Bays 5 & 8
- Y-03** 9% interest on rent claims for Bay 1
- Y-04** 9% interest on rent claims for Bays 5 & 8
- Y-05** Reimburse United for Gross Receipt Taxes

- Y-10** Past Partnership Withdrawals – Receipts
- Y-11** Lifestyle Analysis
- Y-12** Foreign Accts and Jordanian Properties

Response:

Defendants object to this Interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections, Defendants further respond as follows:

- Y-02** Unpaid rent for Plaza Extra-East Bays 5 & 8: *See* Response to Interrogatory # 29.
- Y-03** 9% interest on rent claims for Bay 1: *See* Yusuf Claims and Exhibits reflecting interest calculations.
- Y-04** 9% interest on rent claims for Bays 5 & 8: *See* Yusuf Claims and Exhibits reflecting interest calculations.
- Y-05** Reimburse United for Gross Receipt Taxes: *See* Response to Interrogatory # 16.
- Y-10** Past Partnership Withdrawals – Receipts: *See* Response to Interrogatory # 37.
- Y-11** Lifestyle Analysis: *See* BDO Report, Tables and Supporting Documentation
- Y-12** Foreign Accts and Jordanian Properties *See* Response to Interrogatory # 30.

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By:



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*Attorneys for Fathi Yusuf and United
Corporation*

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S SIXTH INTERROGATORIES PER THE CLAIMS DISCOVERY PLAN OF 1/29/2018, NOS. 33-41** to be served upon the following via Case Anywhere docketing system:

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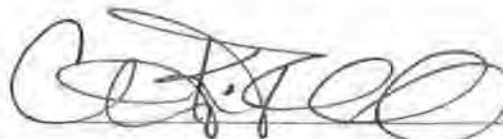
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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff/Counterclaim Defendant,)

v.)

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

v.)

WALEED HAMED, WAHEED HAMED,)
MUFEED HAMED, HISHAM HAMED, and)
PLESSEN ENTERPRISES, INC.,)

Additional Counterclaim Defendants.)

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff,)

v.)

UNITED CORPORATION,)

Defendant.)

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff,)

v.)

FATHI YUSUF,)

Defendant.)

FATHI YUSUF and)
UNITED CORPORATION,)

Plaintiffs,)

v.)

THE ESTATE OF MOHAMMAD HAMED,)
Waleed Hamed as Executor of the Estate of)
Mohammad Hamed, and)
THE MOHAMMAD A. HAMED LIVING TRUST,)

Defendants.)

CIVIL NO. SX-12-CV-370

ACTION FOR INJUNCTIVE
RELIEF, DECLARATORY
JUDGMENT, AND
PARTNERSHIP DISSOLUTION,
WIND UP, AND ACCOUNTING

Consolidated With

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES AND
DECLARATORY JUDGMENT

CIVIL NO. SX-14-CV-278

ACTION FOR DEBT AND
CONVERSION

CIVIL NO. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

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**RESPONSES TO HAMED'S SEVENTH INTERROGATORIES PER THE CLAIM
DISCOVERY PLAN OF 1/29/2018 NOS. 42-48 OF 50**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Seventh Set of Interrogatories per the Claims Discovery Plan of 1/29/2018, Nos. 42-48 of 50.

GENERAL OBJECTIONS

Defendants make the following general objections to the Interrogatories. These general objections apply to all or many of the Interrogatories, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Interrogatories, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Interrogatories to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Interrogatories to the extent that they use 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) Defendants object to these Interrogatories to the extent they seek 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 Defendants or

relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Interrogatories to the extent that they seek 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) Defendants object to these Interrogatories to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Interrogatories to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Interrogatories are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-privileged, responsive information is discovered, these Interrogatories will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Interrogatories to the extent that they are compound and not a single Request. Hence, these Interrogatories should be counted as more than a single Request such that when all of the subparts are included together with other Interrogatories they exceed the 50 Interrogatories allowed in the Joint Discovery and Scheduling Plan ("JDSP").

Pursuant to the stipulated *Joint Discovery Plan*, as ordered by the Special Master on January 29, 2018, Hamed propounds the following Seventh Claims interrogatories numbered 42-48, relating to Yusuf claims:

Y-06 Black Book Balance Owed United

Y-07 Ledger Balance Owed United

Y-09 Unreimbursed Transfers

Y-10 Past Partnership Withdrawals – Receipts

More particularly, they relate to the attached **Exhibit A** – an excerpt of the videotaped Deposition of Maher Yusuf (with referenced exhibits) taken under oath in this action; on April 3, 2014. Respondent signing the verification attached hereto is asked to review the attached deposition testimony and the referenced exhibits as being the true and correct testimony under oath of Maher Yusuf and United Corporation in this action.

RESPONSES TO INTERROGATORIES

Interrogatory 42 of 50:

Beginning at page 54 and running through this deposition testimony there is reference to \$1.6 million ("the \$1.6 million") that Yusuf/United assert is owed to either United or Yusuf by the Hameds as set forth in Maher Yusuf Deposition Exhibit 144 (attached to **Exhibit A**), Bate numbered HAMD200103, dated August 15th, 2012. Explain in detail, including (but not limited to) reference to any applicable documents, dates, conversations, to whom (or what entity) the amounts are owed, witnesses, what stores or business operations that \$1.6 million relates to and, in full and similar levels of detail, which stores or business operations it does not relate to. Include but do not limit this to a discussion of all underlying documents used for the calculations and the calculations at to which amounts are ascribable to which stores.

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objection, Defendants submit that the factual details and evidentiary support in response to this Interrogatory are set forth in the various transcript testimony of which Hamed is well aware as well as in Defendants' Response to Hamed's Motion as to Hamed Claim H-2: \$2,704,786.25 Taken in 2012 by Yusuf filed on January 16, 2018 ("Yusuf's Brief"). Defendants incorporate herein by reference as if fully set forth herein verbatim such testimony and Yusuf's Brief with attachments as responsive to this Interrogatory.

Interrogatory 43 of 50:

Keeping in mind that Maher Yusuf's testimony, most clearly at page 67-68, is that some of the receipts that were added to "calculate" \$1.6 million figure were intentionally destroyed by Maher Yusuf and others in anticipation of an FBI raid.

Deposition Transcript Excerpt [given the length same was not reproduced herein].

Explain in detail, including (but not limited to) reference to any applicable documents, dates, conversations, to who (or what entity) the amounts are owed, witnesses, whether amounts that might have been due to Hamed at that exact same point in time, from the other stores, were included in this \$1.6 million calculation. Include, but do not limit this to how the \$1.6 million due for East is an accurate accounting of the total amount Hamed owed (or was owed) at that time or how admitting that \$1.6 million owed with regard to that one, East store is an admission to the **full amount** either way at that time -- further explaining his testimony at 69-70:

Deposition Transcript Excerpt [given the length same was not reproduced herein].

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the

maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections, Defendants incorporate by reference their response to Interrogatory No. 42 as his response to this Interrogatory No. 43.

Interrogatory 44 of 50:

Keeping in mind that Maher Yusuf was testifying for United (as its President) in this deposition (it is captioned "30(B)(6) OF UNITED CORP. – MAHER "MIKE" YUSUF) and that Maher Yusuf's testimony, most clearly at pages 73-75, is that the receipts that were added to "calculate" \$1.6 million figure and it the Black Books and ledgers were **not** between Hamed and united, but **rather** between the Hameds and the Yusufs – correcting amounts in the supermarket partnership, not with United.

Deposition Transcript Excerpt [given the length same was not reproduced herein].

explain in detail, including reference to the phrases "these were **not** adjustments for United Corporation" but were "partnership reconciliations", any applicable documents dates, conversations, to whom (or what entity) the amounts are owed, witnesses, to what person or entity United and Mike Yusuf as its President understand the claims against Hamed were owed on April 3, 2014 and it, how and why that has since changed.

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections, to the extent that this Interrogatory seeks information relating to the \$1.6 million Hamed conceded was owed to the Yusufs with regard to the Plaza Extra East store, Defendants incorporate by reference their response to Interrogatory No. 42 as if fully set forth herein verbatim.

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Interrogatory 45 of 50:

Similarly, Maher Yusuf testified that the ledger excerpts sent in regard to this case were not the full set of all such ledgers, most clearly at page 57-58:

Deposition Transcript Excerpt [given the length same was not reproduced herein].

explain in detail, including (but not limited to) reference to any applicable documents, dates, conversations, to who (or what entity) the amounts are owed, witnesses, how many total ledger books existed at different times in the Partnership at each location, more particularly in 2001 prior to the FBI-raid, on September 17, 2006 and presently--where they are and how it can be determined that they are complete with regard to the amounts that Fathi Yusuf "pulled" as that term is used here by Maher Yusuf?

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections, to the extent that this Interrogatory seeks information relating to the \$1.6 million Hamed conceded was owed to the Yusufs with regard to the Plaza Extra East store, Defendants incorporate by reference their response to Interrogatory No. 42 as if fully set forth herein verbatim.

Interrogatory 46 of 50:

Similarly, Maher Yusuf testified that the ledger excerpts sent in regard to this case were not the full set of all such ledgers, most clearly at pages 57-58:

Deposition Transcript Excerpt [given the length, same was not reproduced herein].

explain in detail, including (but not limited to) reference to any applicable documents, dates, conversations, to who (or what entity) the amounts are owed, witnesses, how many total ledger books existed at different times in the Partnership at each location, more particularly in 2001 prior to the FBI-raid, on September 17, 2006 and presently--where they are and how it can be determined that they are complete with regard to the amounts that Fathi Yusuf "pulled" as that term is used here by Maher Yusuf?

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections to this Interrogatory, which duplicated the preceding interrogatory, to the extent that this Interrogatory seeks information relating to the \$1.6 million Hamed conceded was owed to the Yusufs with regard to the Plaza Extra East store, Defendants incorporate by reference their response to Interrogatory No. 42 as if fully set forth herein verbatim.

Interrogatory 47 of 50:

Similarly, Maher Yusuf testified that the ledger entries referenced in regard to this case were sometimes made in ledgers, but also sometimes made in "receipts" and that many of those receipts were destroyed prior to the FBI raid in 2001, most clearly at page 58-63.

Deposition Transcript [given the length, same was not reproduced herein].

explain in detail, including (but not limited to) reference to any applicable documents, dates, conversations, to who (or what entity) the amounts are owed, witnesses, how it is possible to have a complete accounting of the ledgers when some transactions were included in ledgers, but others in receipts ("there would have **either** been an entry in a ledger, or a receipt") and some of those ledgers or receipts were intentionally destroyed?

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections, to the extent that this Interrogatory seeks information relating to the \$1.6 million Hamed conceded was owed to the Yusufs with regard to the Plaza Extra East store, Defendants incorporate by reference their response to Interrogatory No. 42 as if fully set forth herein verbatim.

Interrogatory 48 of 50:

Please describe Joint Defense agreement (“JDA”) in United States of America v United Corp., Et al., VI D.C.t. 2005-cr-015 referenced in the Declaration of Gordon C. Rhea, Esq., on March 2, 2017 (**EXHIBIT B**). In your description, please include, but not limited to, what defendants were covered, what attorneys were paid under the agreement, the terms of how payment should be made to the defendants’ attorneys, how those payments were made, by whom the payments were made, when the payments were made, expert fees and expenses and the time period the JDA was in effect. Also describe how litigation decisions were made, who had conversations with attorneys directing their activities and which Defendants chose what would be stated in pleadings. (The response to this may be filed under seal if Yusuf asserts privilege or confidentiality, however, Hamed waives any such privilege or confidentiality.)

Response

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object to this Interrogatory because they do not currently possess a fully executed version of the JDA to compare with their unexecuted version.

Without waiving any objections to this Interrogatory, Defendants state that the JDA is a document prepared by Attorney Rhea, counsel for Waleed Hamed, which speaks for itself and does not address the payment of attorneys.

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By: 

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Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S SEVENTH INTERROGATORIES PER THE CLAIMS DISCOVERY PLAN OF 1/29/2018, NOS. 42-48** to be served upon the following via Case Anywhere docketing system:

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**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

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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
Defendants/Counterclaimants,	)	JUDGMENT, AND
v.	)	PARTNERSHIP DISSOLUTION,
	)	WIND UP, AND ACCOUNTING
)	
WALEED HAMED, WAHEED HAMED,)	
MUFEEED HAMED, HISHAM HAMED, and)	
PLESSEN ENTERPRISES, INC.,)	
<u>Additional Counterclaim Defendants.</u>	)	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,	)	ACTION FOR DEBT AND
v.	)	CONVERSION
)	
FATHI YUSUF,)	
)	
Defendant.)	
FATHI YUSUF and)	
UNITED CORPORATION,)	
	)	CIVIL NO. ST-17-CV-384
Plaintiffs,)	
v.	)	ACTION TO SET ASIDE
	)	FRAUDULENT TRANSFERS
)	
THE ESTATE OF MOHAMMAD HAMED,)	
Waleed Hamed as Executor of the Estate of)	
Mohammad Hamed, and)	
THE MOHAMMAD A. HAMED LIVING TRUST,)	
)	
Defendants.)	
)	

DUDLEY, TOPPER
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**RESPONSES TO HAMED'S EIGHTH INTERROGATORIES PER THE CLAIM
DISCOVERY PLAN OF 1/29/2018 NOS. 49 OF 50**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Eighth Set of Interrogatories per the Claims Discovery Plan of 1/29/2018, Nos. 49 of 50.

GENERAL OBJECTIONS

Defendants make the following general objections to the Interrogatories. These general objections apply to all or many of the Interrogatories, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Interrogatories, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Interrogatories to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Interrogatories to the extent that they use 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) Defendants object to these Interrogatories to the extent they seek 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 Defendants or

relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Interrogatories to the extent that they seek 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) Defendants object to these Interrogatories to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Interrogatories to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Interrogatories are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-privileged, responsive information is discovered, these Interrogatories will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Interrogatories to the extent that they are compound and not a single Request. Hence, these Interrogatories should be counted as more than a single Request such that when all of the subparts are included together with other Interrogatories they exceed the 50 Interrogatories allowed in the Joint Discovery and Scheduling Plan ("JDSP").

RESPONSES TO INTERROGATORIES

Interrogatory 49:

With regard to the post September 17, 2006 claims in Y-10, and more specifically your "J-2" Exhibit to *Yusuf's Amended Accounting Claims Limited to Transactions Occurring on or after September 17, 2006*, dated October 30, 2017, explain in detail with reference to witnesses, documents, dates and amounts, why the claim and referenced exhibit reflect the following: there appears to be only one \$2,000 amount (Maher) for withdrawals from the Partnership with a signed ticket/receipt and payments to third parties on behalf of Hamed/Yusuf with partnership funds for the Yusufs during the entire eight year period between 2006 and 2014 – where are all of those amounts; also, with regard to the attorney's fees in BDO Table 38A you list five attorney's fees checks as credits to Hamed-explain in detail why did you not include the four checks in BDO Table 38B as similar credits; also, why is the amount listed as owed by Waleed Hamed \$1,778,103 rather than the \$1,600,000 that has always been discussed and is listed in the August 15, 2012 letter referenced on Exhibit J-2?

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections as to this Interrogatory, after the ruling from Judge Brady limiting the partnership accounting from September 17, 2006 through the present (the "Limitation Order"), BDO revised the Summary Table filed with Yusuf's Amended Claims as Exhibit J-2 to eliminate those allocations prior to this time limitation, except for those relating to the acknowledged debt and receipts as of the time of the raid as set forth in the August 15, 2012

letter. All of the originally produced corresponding tables were not updated to reflect the removal of the allocations following the issuance of the Limitation Order. All of the supporting documentation is set forth in the J-1 flashdrive that was provided to Hamed on October 4, 2016.

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

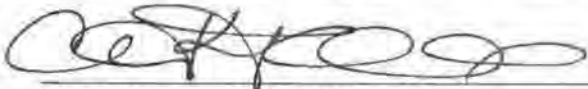
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St. Thomas, U.S. V.I. 00804-0756

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DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By: 

CHARLOTTE K. PERRELL

(V.I. Bar #1281)

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*Attorneys for Fathi Yusuf and United
Corporation*

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S EIGHTH INTERROGATORIES PER THE CLAIMS DISCOVERY PLAN OF 1/29/2018, NOS. 49 OF 50** to be served upon the following via Case Anywhere docketing system:

Joel H. Holt, Esq.
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VERIFICATION

I hereby certify under penalty of perjury that the facts contained in each of the foregoing responses to interrogatories are true and correct to the best of my knowledge, information and belief.

Dated: May 15, 2018, 2018

[Signature] Attesting Individual

TERRITORY OF THE UNITED STATES VIRGIN ISLANDS

DISTRICT OF St. Croix, V.I.) ss

On this, the 15th day of May, 2018, before me, the undersigned officer, personally appeared the signor known to me (or satisfactorily proven to be) the person whose name is subscribed to the within document and acknowledged that he/she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Rupertha A. Andrews Notary Public

**Rupertha A. Andrews
Notary Public
District of St. Croix, USVI
Commission # NP-115-15
Commission Expires October 21, 2019**

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.)	
	)	ACTION FOR INJUNCTIVE
FATHI YUSUF and UNITED CORPORATION,	)	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,	)	ACTION FOR DEBT AND
v.	)	CONVERSION
)	
FATHI YUSUF,)	
)	
Defendant.)	
FATHI YUSUF and UNITED CORPORATION,	)	CIVIL NO. ST-17-CV-384
)	
Plaintiffs,	)	ACTION TO SET ASIDE
v.	)	FRAUDULENT TRANSFERS
)	
THE ESTATE OF MOHAMMAD HAMED, Waleed Hamed as Executor of the Estate of Mohammad Hamed, and THE MOHAMMAD A. HAMED LIVING TRUST,)	
)	
Defendants.)	

**RESPONSE TO HAMED'S SECOND REQUEST TO ADMIT PER THE CLAIMS
DISCOVERY PLAN OF 1/29/18, NOS. 4-6 OF 50 AS TO YUSUF CLAIM Y-6 BLACK
BOOK BALANCE OWED UNITED, Y-7 LEDGER BALANCES OWED UNITED, AND
Y-9 UNREIMBURSED TRANSFERS OWED UNITED**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Second Request to Admit Per the Claims Discovery Plan of 1/29/2018, Nos. 4-6 of 50 as to Yusuf Claim Y-6, Black Book Balance Owed United, Y-7 Ledger Balances Owed United, and Y-9 – Unreimbursed Transfers Owed United.

GENERAL OBJECTIONS

Defendants make the following general objections to the Requests to Admit. These general objections apply to all or many of the Requests to Admit, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Requests to Admit, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Requests to Admit to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Requests to Admit to the extent that they use 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) Defendants object to these Requests to Admit to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Requests to Admit to the extent that they seek 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) Defendants object to these Requests to Admit to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Requests to Admit to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Requests to Admit are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later

discovered, and are based only upon information presently available. If any additional, non-privileged, responsive information is discovered, these Requests to Admit will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Requests to Admit to the extent that they are compound and not a single Request. Hence, these Requests to Admit should be counted as more than a single Request such that when all of the subparts are included together with other Requests to Admit they exceed the 50 Requests to Admit established in the Joint Discovery and Scheduling Plan.

RESPONSES TO REQUESTS TO ADMIT

Request to Admit 4 of 50:

Request to admit number 4 of 50 relates to Claim Y-6 – as described in Hamed’s November 16, 2017 Motion for a Hearing Before Special Master as “Black Book Balances Owed United.”

Admit or deny that claims listed in Exhibit G to Yusuf’s Original Claims, Relevant Black Book Entries, occurred in 1994 or earlier, and occurred more than six years before the FBI seized document.

Response:

Admit. Further responding, Defendants state shows that in Yusuf’s earlier declaration he explained that “[u]nder the business agreement between Hamed and me that I now describe as a partnership, profits would be divided 50-50 after deduction for rent owed to United, among other expenses” and that “[u]nder our agreement, I was the person responsible for making all decisions

regarding when the reconciliation would take place” and that Yusuf had the discretion to determine when the reconciliation would take place. *See* August 12, 2014 Yusuf Declaration, p. 2. At the time that these United debts were incurred, the grocery store at the Plaza Extra East location was not operating as a result of a fire at that store and the Plaza Extra Tutu Park Store was not yet open. Such circumstances constitute extraordinary circumstances, which operate to trigger an equitable tolling as to the pursuit of such debts.

Request to Admit 5 of 50:

Request to admit number 5 of 5 relates to Claim Y-7 – as described in Hamed’s November 16, 2017 Motion for a Hearing Before Special Master as “Ledger Balances Owed United.”

Admit or deny that the claims listed in Exhibit H to Yusuf’s Original Claims, Ledger Sheets Reflecting United’s Payment for Plaza Extra, except for one transaction for \$3000, occurred in 1995 or earlier, and occurred more than six years before the FBI seized the document.

Response:

Admit that the transactions occurred in 1995 or earlier but denied as to whether they occurred more than six years before the FBI seized the document. Further responding, Yusuf shows that in his earlier declaration he explained that “[u]nder the business agreement between Hamed and me that I now describe as a partnership, profits would be divided 50-50 after deduction for rent owed to United, among other expenses” and that “[u]nder our agreement, I was the person responsible for making all decisions regarding when the reconciliation would take place” and that Yusuf had the discretion to determine when the reconciliation would take place. *See* August 12, 2014 Yusuf Declaration, p. 2.

Request to Admit 6 of 50:

Request to admit number 6 of 50 relates to Claim Y-9 as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Unreimbursed Transfers from United."

Admit or deny that the claims listed in Exhibit I to Yusuf's Original Claims, Summary and Supporting Documentation of Unreimbursed Transfers from United, occurred in 1996, and occurred more than six years before the FBI seized the document.

Response:

Admit that the unreimbursed transfers from United in Exhibit I occurred in 1996, but deny that the same occurred more than six years before the FBI seized the document. Further responding, Yusuf shows that in his earlier declaration he explained that "[u]nder the business agreement between Hamed and me that I now describe as a partnership, profits would be divided 50-50 after deduction for rent owed to United, among other expenses" and that "[u]nder our agreement, I was the person responsible for making all decisions regarding when the reconciliation would take place" and that Yusuf had the discretion to determine when the reconciliation would take place. *See* August 12, 2014 Yusuf Declaration, p. 2.

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By:



CHARLOTTE K. PERRELL

(V.I. Bar #1281)

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E-Mail: cperrell@dtflaw.com

*Attorneys for Fathi Yusuf and United
Corporation*

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S SECOND REQUEST TO ADMIT PER THE CLAIMS DISCOVERY PLAN OF 1/29/2018** to be served upon the following via Case Anywhere docketing system:

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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,)

v.)

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

v.)

CIVIL NO. SX-12-CV-370

ACTION FOR INJUNCTIVE
RELIEF, DECLARATORY
JUDGMENT, AND
PARTNERSHIP DISSOLUTION,
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,)

v.)

UNITED CORPORATION,)

Defendant.)

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES AND
DECLARATORY JUDGMENT

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff,)

v.)

FATHI YUSUF,)

Defendant.)

CIVIL NO. SX-14-CV-278

ACTION FOR DEBT AND
CONVERSION

FATHI YUSUF and)
UNITED CORPORATION,)

Plaintiffs,)

v.)

CIVIL NO. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

THE ESTATE OF MOHAMMAD HAMED,)
Waleed Hamed as Executor of the Estate of)
Mohammad Hamed, and)
THE MOHAMMAD A. HAMED LIVING TRUST,)

Defendants.)

DUDLEY, TOPPER
AND FEUERZEIG, LLP

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P.O. Box 756

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

(340) 774-4422

**RESPONSE TO HAMED'S THIRD REQUEST TO
ADMIT PURSUANT TO THE CLAIMS DISCOVERY
PLAN OF 1/29/2018, NOS. 7-29 OF 50**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Third Request to Admit Pursuant to the Claims Discovery Plan of 1/29/2018, Nos. 7-29 of 50 as to:

GENERAL OBJECTIONS

Defendants make the following general objections to the Requests to Admit. These general objections apply to all or many of the Requests to Admit, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Requests to Admit, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Requests to Admit to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Requests to Admit to the extent that they use 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) Defendants object to these Requests to Admit to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Requests to Admit to the extent that they seek 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) Defendants object to these Requests to Admit to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Requests to Admit to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Requests to Admit are made without

prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-privileged, responsive information is discovered, these Requests to Admit will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Requests to Admit to the extent that they are compound and not a single Request. Hence, these Requests to Admit should be counted as more than a single Request such that when all of the subparts are included together with other Requests to Admit they exceed the 50 Requests to Admit established in the Joint Discovery and Scheduling Plan.

RESPONSES TO REQUESTS TO ADMIT

Request to Admit 7 of 50:

Admit or Deny that when Hamed sued Yusuf, on or about September 17, 2012, “to establish Hamed’s rights under his partnership” and “*enjoining the defendants from interfering with Hamed’s partnership rights*, including enjoining Yusuf from interfering with the operations of the three Plaza Extra supermarkets” that any prior or then existing voluntary consent by Hamed-- for Fathi Yusuf to *unilaterally* act for the Partnership or for the benefit of United Corporation using Partnership funds – ended.

Response:

Denied.

Request to Admit 8 of 50:

Request to admit number 8 of 50 relates to Claim Y-3 - as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Interest on Bay 1 Rent Already Awarded by the Court on 4/27/2015."

Admit or Deny that there was no written agreement between Hamed and Yusuf effective after September 17, 2012, (the date that Hamed sued Yusuf) that the Partnership would pay interest on Bay 1.

Response:

Admitted.

Request to Admit 9 of 50:

Request to admit number 9 of 50 relates to Claim Y-4 – as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Interest on Bays 5 & 8."

Admit or Deny that there was no written agreement between Hamed and Yusuf after the date that Hamed sued Yusuf in 2012 that the Partnership would pay rent on Bays 5 & 8.

Response:

Admitted.

Request to Admit 10 of 50:

Request to admit number 10 of 50 as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master relates to Claim Y-5 as "Reimburse United for Gross Receipt Taxes," Claim H-150- (old Claim No. 3002a) "United Shopping Center's gross receipt taxes," H-152 (old Claim No. 3008a) "United's corporate franchise tax and annual franchise fees," H-153 (old Claim No. 3009a) "Partnership funds used to pay United Shopping Center's

property insurance” and H-160 (old Claim No. Exhibit A-H) “United Shopping Center’s gross receipt taxes.”

With regard to Yusuf Claim Y-5 and Hamed Claims H-150, H-152, H-153 and H-160, Admit or Deny that there was no written agreement effective after September 17, 2012, between Hamed and Yusuf (*i.e.* after the dated that Hamed sued Yusuf in 2012 for breach of the Partnership) that the Partnership would continue to pay United’s separate gross receipt taxes, franchise taxes, annual franchise taxes, annual franchise fees and property insurance.

Response:

Admitted.

Request to Admit 11 of 50:

Request to admit number 11 of 50 relates to Claim H-15 (old Claim No. 242) as described in Hamed’s November 16, 2017 Motion for a Hearing Before Special Master as “Nejeh Yusuf’s cash withdrawal from safe.”

Admit or Deny that the Partnership’s management and accountant did not keep adequate records to allow the Partnership to now calculate and state the dates and amounts of Nejeh Yusuf’s cash withdrawals from the large safe in the cash room of the Plaza Extra STT supermarket.

Response:

Denied.

Request to Admit 12 of 50:

Request to admit number 12 of 50 relates to Claim H-16 (old Claim No. 253) as described in Hamed’s November 16, 2017 Motion for a Hearing Before Special Master as “Nejeh Yusuf’s use of Partnership resources for his Private Business on STT.”

Admit or Deny that the Partnership's management and accountant did not keep adequate records to allow the Partnership to now calculate and state what Partnership resources (and the value of the Partnership resources) such as a compressor, shipping containers, personnel and trucks that NejeH Yusuf used for his personal businesses.

Response:

Denied.

Request to Admit 13 of 50:

Request to admit number 13 of 50 relates to Claim H-22 (old Claim No. 290) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "NejeH Yusuf removed property belonging to KAC 357, Inc.

Admit or Deny that the Partnership's management and accountant did not keep adequate records to allow the Partnership to now calculate and state what property (and the value of the property) NejeH Yusuf removed after the sale of the St. Thomas Plaza Extra store to KAC 357 Inc. without paying for.

Response:

Denied.

Request to Admit 14 of 50:

Request to admit number 14 of 50 relates to Claim H-26 (old Claim No. 316) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Inventory moved from Plaza West to East after official inventory."

Admit or Deny that the Partnership's management and accountant did not keep adequate records to allow the Partnership to now calculate and state what inventory (and the value of that

inventory) was moved from Plaza West to Plaza East shortly before the stores were transferred on March 9, 2015.

Response:

Denied.

Request to Admit 15 of 50:

Request to admit number 15 of 50 relates to Claim H-27 (old Claim No. 319) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "BJ's wholesale Club vendor credit."

Admit or Deny that the BJ Wholesale Club vendor credit of \$5,632.57 applied to Mike Yusuf's personal credit card was not returned to the Partnership.

Response:

Yusuf objects to this Request on the grounds set forth in his Motion to Strike Hamed's Amended Claim Nos. H-41 through H-141 and Additional "Maybe" Claims ("Motion to Strike") seeking to strike Hamed Claim 27. As grounds for objecting to this Request, Yusuf incorporates by reference his Motion to Strike as if fully set forth herein verbatim and submits that because there is a pending Motion to Strike, the requirement for a response should be stayed pending the resolution.

Request to Admit 16 of 50:

Request to admit number 16 of 50 relates to Claim H-30 (old Claim No. 333) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "KAC357, Inc. payment of Partnership AT&T invoices."

Admit or Deny that the Partnership did not reimburse KAC357, Inc. for two AT&T invoices in the name of Plaza Extra Supermarket, totaling \$755.76 it paid, as reflected in Exhibits 333-a and 333-b, Exhibits to the JVZ Engagement Report, dated September 28, 2016.

Response:

Yusuf objects to this Request on the grounds that KAC357, Inc. is not a party in this consolidated action and its "claims" are not relevant to the matters referred to the Master for his report and recommendation.

Without waiving that objection, after making reasonable inquiry into this request, the information Yusuf knows or can readily obtain is insufficient to enable him to admit or deny this request.

Yusuf further objects on the grounds that the information needed to respond cannot be readily obtained from John Gaffney, the former Partnership accountant, without paying him to revisit his accounting efforts and records undertaken as the Partnership accountant. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as the Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary pulling him away from his employment from United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transaction took place. Reorienting now as to transactions from years ago

constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Request to Admit 17 of 50:

Request to admit number 17 of 50 relates to Claim H-31 (old Claim No. 334) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Point of Sale transaction (purchases on account)."

Admit or Deny that the Partnership's management and accountant did not keep adequate records to allow the Partnership to now state the detailed basis of point of sale transactions made by the Yusufs in each of the Plaza Extra supermarkets and then voided on the electronic journal, resulting in the Partnership, not the Yusufs, paying for the goods.

Response:

Yusuf objects to this Request to Admit because it is unclear what transactions are covered by this Request. Yusuf denies same pending clarification by Hamed.

Yusuf further objects on the grounds set forth in his Motion to Strike seeking to strike Hamed Claim 31. Yusuf incorporates by reference his Motion to Strike as if fully set forth herein verbatim and submits that because there is a pending Motion to Strike, the requirement for a response should be stayed pending the resolution.

Request to Admit 18 of 50:

Request to admit number 18 of 50 relates to Claim H-32 (old Claim No. 335) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "No credit for expired (spoiled) inventory discovered at Plaza Extra West."

Admit or deny that the Partnership's management and accountant did not keep adequate records to allow the Partnership to now calculate and state the amount and value of spoiled and expired

inventory the Hameds discovered after the final inventory was complete and the transfer of the Plaza Extra West store had occurred.

Response:

Yusuf objects to this Request to Admit because it is unclear what "spoiled and expired inventory the Hameds discovered." Yusuf denies same pending clarification.

Request to Admit 19 of 50:

Request to admit number 19 of 50 relates to Claim H-35 (old Claim No. 343) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "KAC357, Inc.'s American Express payment deposited to Partnership account."

Admit or Deny that the Partnership did not reimburse KAC357, Inc. for American Express payments belonging to KAC357, Inc. but instead, deposited into the Partnership Banco Popular account, as reflected in Exhibits 343, Exhibits to the JVZ Engagement Report, dated September 28, 2016.

Response:

Yusuf objects to this Request on the grounds that KAC357, Inc. is not a party in this consolidated action and its "claims" are not relevant to the matters referred to the Master for his report and recommendation.

Without waiving that objection, after making reasonable inquiry into this request, the information Yusuf knows or can readily obtain is insufficient to enable him to admit or deny this request.

Yusuf further objects on the grounds that the information needed to respond cannot be readily obtained from John Gaffney, the former Partnership accountant, without paying him to revisit his accounting efforts and records undertaken as the Partnership accountant. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the

Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as the Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary pulling him away from his employment from United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transaction took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Request to Admit 20 of 50:

Request to admit number 20 of 50 relates to Claim H-39 (old Claim No. 358) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "STT Tutu gift certificate."

Admit or Deny that the Partnership's management and accountant did not keep adequate records to allow the Partnership to now determine whether 143 of the gift certificates that were purchased prior to the sale and separation and were redeemed at Plaza Extra-STT after the split were reimbursed to KAC357, Inc., as reflected in Exhibits 358, Exhibits to the JVZ Engagement Report, dated September 28, 2016.

Response:

Yusuf objects to this Request on the grounds that KAC357, Inc. is not a party in this consolidated action and its "claims" are not relevant to the matters referred to the Master for his report and recommendation.

Yusuf further objects on the grounds set forth in his Motion to Strike seeking to strike Hamed Claim 39. Yusuf incorporates by reference his Motion to Strike as if fully set forth herein verbatim and submits that because there is a pending Motion to Strike, the requirement for a response should be stayed pending the resolution.

Request to Admit 21 of 50:

Request to admit number 21 of 50 relates to Claim H-40 (old Claim No. 360) as described in Hamed's November 16, 2017 Motion for Hearing Before Special Master as "Approximately \$18 in "purged" (*i.e.*, missing) transactions in 2013."

Admit or deny that not all of the original 2013 bookkeeping transactions that were in the computer accounting system are in the Sage 50 2013 transaction provided to Hamed.

Response:

Denied.

Request to Admit 22 of 50:

Requesting to admit number 22 of 50 relates to Claim H-142 (old Claim No. 490) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Half acre in Estate Tutu."

Admit or deny that the Partnership (or Hamed and Yusuf) did provide the funds for the purchase of this land referenced Claim H-142, "Half acre in Estate Tutu," by using income from the Plaza Extra stores.

Response:

Yusuf objects to this Request because it involves a potential claim that is barred by the Court's Memorandum Opinion and Order Re Limitation on Accounting ("Limitation Order"), which limits the scope of the partnership accounting to only those transactions that occurred on

or after September 17, 2006. Pursuant to a deed dated July 26, 2006 and recorded on August 24, 2006, this property was titled in the name of Plessen Enterprises, Inc. and was not an asset of the Partnership as of September 17, 2006. Accordingly, any claims by Hamed relating to this property are clearly barred by the Limitation 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).

Moreover, this claim is the subject of Yusuf's Motion to Strike Hamed's Amended Claim Nos. 142 and 143 seeking to strike Hamed Claim 142 on the grounds that the property was titled in the name of Plessen, was not an asset of the Partnership and is barred by the Limitation Order.

Request to Admit 23 of 50:

Request to admit number 23 of 50 relates to Claim H-146 (old Claim No. 3007) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Imbalance in credit card points."

Admit or Deny that the Partnership's management and accountant did not keep adequate records to allow the Partnership to now calculate and state with specificity what credit card points were earned by paying for purchases/expenses incurred on behalf of the Partnership on the personal credit cards of the Hameds and Yusufs, and thus, whether these points were split evenly between Partners.

Response:

Denied.

Request to Admit 24 of 50:

Request to admit number 24 of 50 relates to Claim H-147 (old Claim No. 3010) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Vendor rebates."

Admit or Deny that the Partnership's management and accountant did not keep adequate records to allow the Partnership to now calculate and state with specificity what were earned by vendor rebates -- paying for purchases/expenses incurred on behalf of the Partnership on the personal credit cards of the Hameds and Yusufs, and thus, whether these vendor rebates were split evenly between the Partners.

Response:

Yusuf objects to this Request on the grounds that it is vague and ambiguous and as set forth in his Motion to Strike, which seeks to strike Hamed Claim 147. Yusuf incorporates by reference his Motion to Strike as if fully set forth herein verbatim and submits that because there is a pending Motion to Strike, the requirement for a response should be stayed pending the resolution.

Request to Admit 25 of 50:

Request to admit number 25 of 50 relates to Claim H-148 (old Claim No. 3011) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Excessive travel and entertainment expenses."

Admit or Deny that the Partnership's management and accountant did not keep adequate records to allow the Partnership to now calculate and state exactly to where and for what business purpose the travel and entertainment charges appearing in the books of the Partnership were made.

Response:

Yusuf objects to this Request on the grounds that it is vague and ambiguous.

Yusuf further objects on the grounds that the information needed to respond cannot be readily obtained from John Gaffney, the former Partnership accountant, without paying him to

revisit his accounting efforts and records undertaken as the Partnership accountant. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as the Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary pulling him away from his employment from United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transaction took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Without waiving these objections, after making reasonable inquiry into this request, the information Yusuf knows or can readily obtain is insufficient to enable him to admit or deny this request.

Request to Admit 26 of 50:

Request to admit number 26 of 50 relates to Claim H-163 (old Claim No. Exhibit A-M) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Loss of assets due to wrongful dissolution – attorney's fees."

Admit or Deny that Yusuf initially denied the Partnership existed, but later explicitly admitted it did exist and requested that the Partnership dissolved.

Response:

Yusuf objects to this Request as vague and ambiguous to the extent it does not define "Partnership." Without waiving this objection, it is admitted that at the outset of this consolidated action, Yusuf denied the existence of a true partnership with Hamed. Later in this case, Yusuf admits that he conceded the existence of a partnership and sought its dissolution

Request to Admit 27 of 50:

Request to admit number 27 of 50 relates to Claim H-163 (old Claim No. Exhibit A-M) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Loss of assets due to wrongful dissolution – attorney's fees."

Admit or Deny that at the time in 2012 when Yusuf unilaterally removed \$2.7 million from a bank account to which Hamed had access, there was a Partnership between Hamed and Yusuf as to the funds in that account and that Yusuf asserted that there was no such Partnership.

Response:

Admitted that in an Order dated November 7, 2014, the Court declared there was a partnership between Hamed and Yusuf beginning in 1986. Denied that Mohammad Hamed had "access" to the bank account upon which the \$2.7 million was drawn at that time in 2012. It is further admitted that at the time of the \$2.7 million withdrawal, Yusuf maintained that Hamed was entitled to half of the net profits from the grocery store operations of the Plaza Extra stores but that Yusuf did not characterize that arrangement as a partnership.

Request to Admit 28 of 50:

Request to admit number 28 of 50 relates to Claim H-163 (old Claim No. Exhibit A-M) as described in Hamed's November 16, 2017 Motion for Hearing Before Special Master as "Loss of assets due to wrongful dissolution – attorney's fees."

Admit or Deny that Yusuf did cut off Hamed's access and control as to some of the Partnership bank accounts at some point within the period from January 2013 to March 2013.

Response:

Yusuf objects to this request on the grounds that it is vague and ambiguous. It is unclear which accounts are included in the reference to "some of the Partnership bank accounts." Furthermore, it is denied that Mohammed Hamed ever had "access and control" of any bank accounts used for the grocery store operations from January 2013 to March 2013 such that Yusuf would be able to "cut off Hamed's access and control" to such accounts.

Request to Admit 29 of 50:

Request to admit number 29 of 50 relates to Claim H-163 (old Claim No. Exhibit A-M) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Loss of assets due to wrongful dissolution – attorney's fees."

Admit or deny that Yusuf did make unilateral decisions to spend Partnership funds during the period from January to March 2013 and did spend those funds in a manner that Hamed or Hamed's counsel disagreed with in writing.

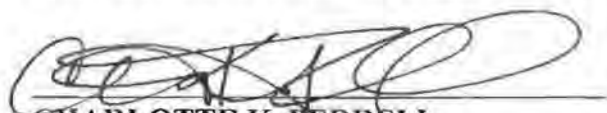
Response:

Yusuf objects to this request as vague and ambiguous since it does not identify any unilateral spending decisions made by Yusuf between January and March, 2013 with which Mohammad Hamed or his counsel disagreed in writing.

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By:



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*Attorneys for Fathi Yusuf and United
Corporation*

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S THIRD REQUEST TO ADMIT PURSUANT TO THE CLAIMS DISCOVERY PLAN OF 1/29/2018 NOS. 7-29 OF 50** to be served upon the following via Case Anywhere docketing system:

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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.)	
	)	ACTION FOR INJUNCTIVE
FATHI YUSUF and UNITED CORPORATION,	)	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.,)	
<u>Additional Counterclaim Defendants.</u>	)	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,)	
)	
<u>Defendant.</u>)	
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,)	
<u>Defendant.</u>)	
FATHI YUSUF and)	
UNITED CORPORATION,)	
	)	CIVIL NO. ST-17-CV-384
Plaintiffs,)	
v.	)	ACTION TO SET ASIDE
	)	FRAUDULENT TRANSFERS
THE ESTATE OF MOHAMMAD HAMED,)	
Waleed Hamed as Executor of the Estate of)	
Mohammad Hamed, and)	
THE MOHAMMAD A. HAMED LIVING TRUST,)	
)	
<u>Defendants.</u>)	

DUDLEY, TOPPER
AND FEUERZEIG, LLP
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**RESPONSE TO HAMED'S FOURTH REQUEST TO
ADMIT PURSUANT TO THE CLAIMS DISCOVERY
PLAN OF 1/29/2018, NO. 30-32 OF 50**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Fourth Request to Admit Pursuant to the Claims Discovery Plan of 1/29/2018, Nos. 30-32 of 50 as to H-1 Reimbursement for Sale of the Dorthea Condo Y-10: Past Pship Withdrawals – Receipts.

GENERAL OBJECTIONS

Defendants make the following general objections to the Requests to Admit. These general objections apply to all or many of the Requests to Admit, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Requests to Admit, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Requests to Admit to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Requests to Admit to the extent that they use 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) Defendants object to these Requests to Admit to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Requests to Admit to the extent that they seek 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) Defendants object to these Requests to Admit to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Requests to Admit to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Requests to Admit are made without

prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-privileged, responsive information is discovered, these Requests to Admit will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Requests to Admit to the extent that they are compound and not a single Request. Hence, these Requests to Admit should be counted as more than a single Request such that when all of the subparts are included together with other Requests to Admit they exceed the 50 Requests to Admit established in the Joint Discovery and Scheduling Plan.

RESPONSES TO REQUESTS TO ADMIT

Request to Admit 30 of 50:

Request to admit number 30 of 50 relates to Claim H-1 (old Claim No. 201) – as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Reimbursement for sale of the Dorthea condo."

Admit or Deny that on September 30, 2016, *Yusuf's Accounting Claims and Proposed Distribution Plan*, p. 3, as filed with the Court, Defendants acknowledged, as follows, in writing: a "balance of \$802,966.00 due to Hamed"—and that such acknowledgement was made after September 17, 2006.

- b) an accounting of funds received by Yusuf for the sale of Y&S Corporation ("Y&S") and R&F Condominium, Inc. ("R&F") stock **resulting in a balance of \$802,966.00 due to Hamed ...** (Emphasis added.)

Response:

Admitted that the words quoted above were set forth in Yusuf's Accounting Claims and Proposed Distribution Plan filed on September 30, 2016 without the emphasis added as to the boldfaced type and that such words were modified in Yusuf's Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2006 (at p. 4 and 14-15) as a result of the Court's July 21, 2017 Memorandum and Order Re Limitations on Actions.

Request to Admit 31 of 50:

Request to admit number 31 of 50 relates to Claim Y-10, - as described in Hamed's November 16, 2017 Motion for a Hearing Before Special as "Past Pship Withdrawals-Receipts." Admit or Deny that on July 1, 2011 Fathi Yusuf and Fawzia Yusuf, under notarized signatures, each signed a letter acknowledging a gift to Hisham Hamed that stated "I expect no repayment of this gift" and was funded by monies Yusuf obtained from the Plaza Extra Stores:

This correspondence will acknowledge and memorialize my conveyance today of a **gift** in the amount of \$750,000 to you. I am giving you the unrestricted right to the immediate use of this money for whatever purpose you desire. **I expect no repayment of this gift from me**, whether in the form of cash, property, or future services. (Emphasis added.)

Response:

Admitted that letters were signed and that the statements set forth above were included in the letters, without the boldfaced type.

Request to Admit 32 of 50:

Request to admit number 32 of 50 relates to Claim Y- 10, as described in Hamed's November 16, 2017 Motion for a Hearing Before Special "Past Pship Withdrawals – Receipts."

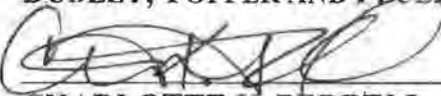
Admit or Deny that on July 1, 2011 Fathi Yusuf and Fawzia Yusuf, under notarized signatures, each signed a \$750,000 gift letter to Mufeed Hamed that stated "I expect no repayment of this gift" and was funded by monies Yusuf obtained from the Plaza Extra Stores:

I am giving you the unrestricted right to the immediate use of this money for whatever purpose you desire. **I expect no repayment of this gift from me**, whether in the form of cash, property, or future services.

Response:

Admitted that letters were signed and that the statements set forth above were included in the letters, without the boldfaced type.

DATED: May 15th, 2018

DUDLEY, TOPPER AND FEUERZEIG, LLP
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Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S FOURTH REQUEST TO ADMIT PURSUANT TO THE CLAIMS DISCOVERY PLAN OF 1/29/2018 NO. 30-32 OF 50** to be served upon the following via Case Anywhere docketing system:

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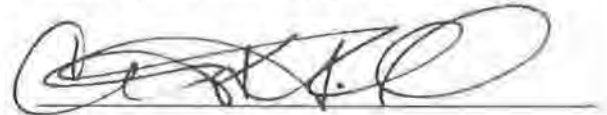
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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff/Counterclaim Defendant,)

v.)

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

v.)

WALEED HAMED, WAHEED HAMED,)
MUFEED HAMED, HISHAM HAMED, and)
PLESSEN ENTERPRISES, INC.,)

Additional Counterclaim Defendants.)

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff,)

v.)

UNITED CORPORATION,)

Defendant.)

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff,)

v.)

FATHI YUSUF,)

Defendant.)

FATHI YUSUF and)
UNITED CORPORATION,)

Plaintiffs,)

v.)

THE ESTATE OF MOHAMMAD HAMED,)
Waleed Hamed as Executor of the Estate of)
Mohammad Hamed, and)
THE MOHAMMAD A. HAMED LIVING TRUST,)

Defendants.)

CIVIL NO. SX-12-CV-370

ACTION FOR INJUNCTIVE
RELIEF, DECLARATORY
JUDGMENT, AND
PARTNERSHIP DISSOLUTION,
WIND UP, AND ACCOUNTING

Consolidated With

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES AND
DECLARATORY JUDGMENT

CIVIL NO. SX-14-CV-278

ACTION FOR DEBT AND
CONVERSION

CIVIL NO. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

DUDLEY, TOPPER
AND FEUERZEIG, LLP

1000 Frederiksberg Gade

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**RESPONSE TO HAMED'S FIFTH REQUEST TO ADMIT
PURSUANT TO THE CLAIMS DISCOVERY PLAN OF 1/29/10, NO. 33-44 OF 50**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Fifth Request to Admit Pursuant to the Claims Discovery Plan of 1/29/2018, Nos. 33- 44 of 50.

GENERAL OBJECTIONS

Defendants make the following general objections to the Requests to Admit. These general objections apply to all or many of the Requests to Admit, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Requests to Admit, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Requests to Admit to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Requests to Admit to the extent that they use 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) Defendants object to these Requests to Admit to the extent they seek 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 Defendants or

relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Requests to Admit to the extent that they seek 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) Defendants object to these Requests to Admit to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Requests to Admit to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Requests to Admit are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-privileged, responsive information is discovered, these Requests to Admit will be supplemented

to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Requests to Admit to the extent that they are compound and not a single Request. Hence, these Requests to Admit should be counted as more than a single Request such that when all of the subparts are included together with other Requests to Admit they exceed the 50 Requests to Admit established in the Joint Discovery and Scheduling Plan.

RESPONSES TO REQUESTS TO ADMIT

References to "Exhibits" are to the Exhibits to Yusuf's First Set of Discovery served on Hamed on March 23, 2018.

Request to Admit 33 of 50:

Substantially the same as Yusuf RTA #1. Admit that Yusuf family members removed money from the safes at the Plaza Extra Stores without creating a written record of the withdrawal.

Response:

Denied.

Request to Admit 34 of 50:

Substantially the same as Yusuf RTA #2. Admit that a settlement was reached for all Partnership uses of Plaza East facilities and did not specify that it was solely for Bay 1.

Response:

Denied.

Request to Admit 35 of 50:

Substantially the same as Yusuf RTA #8. Admit that Yusuf was in charge of coordinating all of the financials of the Partnership in its relations with United – including rents.

Response:

Defendants object to the request as vague and ambiguous as to the meaning of “financials of the Partnership.” Admitted that Yusuf was in charge of coordinating all of the rent payments from the Partnership to United for use of space by the Partnership in the operation of the grocery store at Plaza Extra East.

Request to Admit 36 of 50:

Substantially the same as Yusuf RTA #15. Admit that the Partners agreed when the Partnership was formed that all income taxes of Hamed and his children were to be paid from the grocery store operations.

Response:

Denied.

Request to Admit 37 of 50:

Substantially the same as Yusuf RTA #16. Admit that the Partners agreed when the Partnership was formed that Fathi Yusuf would provide the services and use of United by the Partnership and the Partnership operated the three Plaza Extra Stores that way.

Response:

Defendants object to this request as vague and ambiguous as to the nature and scope of “the services and use of United by the Partnership.”

Request to Admit 38 of 50:

Substantially the same as Yusuf RTA #17. Admit that no a black book ledger was kept to record amounts due to United, the Partnership, and between the Partners after August of 2006.

Response:

Admitted to the best of Yusuf's recollection.

Request to Admit 39 of 50:

Substantially the same as Yusuf RTA #18. Admit that Fathi, Mike, Nejeh and Yusuf Yusuf initially received financial benefit from the failure to report income skimmed from the grocery store operations on United's taxes.

Response:

Admit that Fathi, Mike, Nejeh and Yusuf Yusuf initially received a financial benefit from the failure to report income generated from the grocery store operations on United's taxes.

Request to Admit 40 of 50:

Substantially the same as Yusuf RTA #19. Admit that Yusuf knew that monies skimmed from the grocery store operations were not being reported to the taxing authorities and nonetheless continued to receive financial gain from the under-reported income.

Response:

Yusuf objects to the term "skimmed" as vague and ambiguous. Admitted that Yusuf knew that some portion of the income generated from the grocery store operations were not being reported to the taxing authorities as to United's returns.

Request to Admit 41 of 50:

Substantially the same as Yusuf RTA #20. Admit that Yusuf did not report all income he received as a partner in the grocery Store operations to the taxing authorities.

Response:

Admit as to the years involved in the Criminal Case, denied as to any other years.

Request to Admit 42 of 50:

Substantially the same as Yusuf RTA #21. Admit that the Partnership is a separate and distinct legal entity from United and has been for the duration of the Partnership -- and that is solely the Partnership that owned the three Plaza Extra grocery stores, not United.

Response:

Denied that the Partnership was always considered or treated as a separate and distinct legal entity from United and as the sole owner of the three Plaza Extra stores.

Request to Admit 43 of 50:

Substantially the same as Yusuf RTA #22. Admit that in 2014, Mike Yusuf acknowledged, under oath, that the \$1.6 million Yusuf alleges is due to Yusuf as a result of the accounting true-up of only one operation at that time, and thus, did not show the full accounting at that time.

Response:

Admit.


Request to Admit 44 of 50:

Substantially the same as Yusuf RTA #23. Admit that members of the Yusuf family held assets for Fathi Yusuf which were part of his distributions from the Partnership.

Response:

Denied.

DATED: May 5th, 2018

DUDLEY, TOPPER AND FEUERZEIG, LLP
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Attorneys for Fathi Yusuf and United Corporation

DUDLEY, TOPPER
AND FEUERZEIG, LLP

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CERTIFICATE OF SERVICE

It is hereby certified that on this 5th day of May 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S FIFTH REQUEST TO ADMIT PURSUANT TO THE CLAIMS DISCOVERY PLAN OF 1/29/2018 NO. 33-44 OF 50** to be served upon the following via Case Anywhere docketing system:

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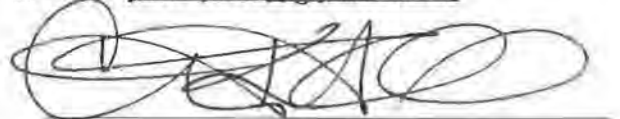
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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff/Counterclaim Defendant,)

v.)

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

v.)

WALEED HAMED, WAHEED HAMED,)
MUFEED HAMED, HISHAM HAMED, and)
PLESSEN ENTERPRISES, INC.,)

Additional Counterclaim Defendants.)

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff,)

v.)

UNITED CORPORATION,)

Defendant.)

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff,)

v.)

FATHI YUSUF,)

Defendant.)

FATHI YUSUF and)
UNITED CORPORATION,)

Plaintiffs,)

v.)

THE ESTATE OF MOHAMMAD HAMED,)
Waleed Hamed as Executor of the Estate of)
Mohammad Hamed, and)
THE MOHAMMAD A. HAMED LIVING TRUST,)

Defendants.)

CIVIL NO. SX-12-CV-370

ACTION FOR INJUNCTIVE
RELIEF, DECLARATORY
JUDGMENT, AND
PARTNERSHIP DISSOLUTION,
WIND UP, AND ACCOUNTING

Consolidated With

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES AND
DECLARATORY JUDGMENT

CIVIL NO. SX-14-CV-278

ACTION FOR DEBT AND
CONVERSION

CIVIL NO. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

DUDLEY, TOPPER
AND FEUERZEIG, LLP
1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, U.S. V.I. 00804-0756
(340) 774-4422

**RESPONSE TO HAMED'S SIXTH REQUEST TO ADMIT
PURSUANT TO THE CLAIMS DISCOVERY PLAN OF 1/29/2018, NO. 45 OF 50**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Sixth Request to Admit Pursuant to the Claims Discovery Plan of 1/29/2018, No. 45 of 50.

GENERAL OBJECTIONS

Defendants make the following general objections to the Requests to Admit. These general objections apply to all or many of the Requests to Admit, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Requests to Admit, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Requests to Admit to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Requests to Admit to the extent that they use 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) Defendants object to these Requests to Admit to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Requests to Admit to the extent that they seek 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) Defendants object to these Requests to Admit to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Requests to Admit to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Requests to Admit are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later

discovered, and are based only upon information presently available. If any additional, non-privileged, responsive information is discovered, these Requests to Admit will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Requests to Admit to the extent that they are compound and not a single Request. Hence, these Requests to Admit should be counted as more than a single Request such that when all of the subparts are included together with other Requests to Admit they exceed the 50 Requests to Admit established in the Joint Discovery and Scheduling Plan.

RESPONSES TO REQUESTS TO ADMIT

Request to Admit 45 of 50:

Request to admit 45 relates to Yusuf claims for rent as to Bays other than Bay 1 at the Sion Farm (plaza East Store) location. Defendants are directed to review attached Exhibits 1 and 2. Exhibits 1 and 2 were provided as copies of original documents and authenticated by Fathi Yusuf – as an attachment to his Affidavit in support of his 8/22/2015 motion for Summary Judgment.

Admit or Deny that Exhibit 2 is February 7, 2012 check numbered 64866, bearing the memo “PLAZA EXTRA (SION FARM) RENT” – conveying back rent payment funds to United Corporation for the benefit of the Partnership – and that neither that check nor the calculations set forth on Exhibit 1 state anywhere on the face of either document that the back rent for the Store in Sion Farm being paid, was restricted to “BAY 1”, or have any language excluding any other Bays at the Sion Farm location.

Response: Admitted that the language of the documents in Exhibits 1 and 2 speak for themselves. Deny that the language reflects anything with regard to rent for Bays 5 and 8, but rather confirms that the rent calculations for Bay 1 were based upon a percentage-of-sales formula, whereas the rent for Bays 5 and 8 were a straight per-square foot rates multiplied by the square footage for the specific times.

DATED: May 15th, 2018

DUDLEY, TOPPER AND FEUERZEIG, LLP

By:


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*Attorneys for Fathi Yusuf and United
Corporation*

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S SIXTH REQUEST TO ADMIT PURSUANT TO THE CLAIMS DISCOVERY PLAN OF 1/29/2018 NO. 45 OF 50** to be served upon the following via Case Anywhere docketing system:

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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,)

v.)

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

v.)

CIVIL NO. SX-12-CV-370

ACTION FOR INJUNCTIVE
RELIEF, DECLARATORY
JUDGMENT, AND
PARTNERSHIP DISSOLUTION,
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,)

v.)

UNITED CORPORATION,)

Defendant.)

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES AND
DECLARATORY JUDGMENT

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff,)

v.)

FATHI YUSUF,)

Defendant.)

CIVIL NO. SX-14-CV-278

ACTION FOR DEBT AND
CONVERSION

FATHI YUSUF and)
UNITED CORPORATION,)

Plaintiffs,)

v.)

CIVIL NO. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

THE ESTATE OF MOHAMMAD HAMED,)
Waleed Hamed as Executor of the Estate of)
Mohammad Hamed, and)
THE MOHAMMAD A. HAMED LIVING TRUST,)

Defendants.)

DUDLEY, TOPPER
AND FEUERZEIG, LLP
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(340) 774-4422

**RESPONSE TO HAMED'S SEVENTH REQUEST TO ADMIT
PURSUANT TO THE CLAIMS DISCOVERY PLAN OF 1/29/2018, NO. 46-49 OF 50**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Seventh Request to Admit Pursuant to the Claims Discovery Plan of 1/29/2018, No. 46-49 of 50.

GENERAL OBJECTIONS

Defendants make the following general objections to the Requests to Admit. These general objections apply to all or many of the Requests to Admit, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Requests to Admit, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Requests to Admit to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Requests to Admit to the extent that they use 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) Defendants object to these Requests to Admit to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Requests to Admit to the extent that they seek 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) Defendants object to these Requests to Admit to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Requests to Admit to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Requests to Admit are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-privileged, responsive information is discovered, these Requests to Admit will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Requests to Admit to the extent that they are compound and not a single Request. Hence, these Requests to Admit should be counted as more than a single Request such that when all of the subparts are included together with other Requests to Admit they exceed the 50 Requests to Admit established in the Joint Discovery and Scheduling Plan.

RESPONSES TO REQUESTS TO ADMIT

46. ADMIT or DENY that a *Joint Defense Agreement* was in effect until September 19, 2012, between defendants in *United States of America v. United Corp., et al.*, VI D.Ct. 2005-cr-015, and that the United Corporation, Fathi Yusuf, Maher Yusuf, Nejeh Yusuf, Waleed Hamed and Waheed Hamed were parties to that Joint Defense Agreement.

RESPONSE: Admitted, subject to receipt of a fully executed copy of same.

47. ADMIT or DENY that a bill for attorneys' or accounting fees directed to a specific defendant did not reflect their individual personal obligation, as the bills were the joint obligation of all defendants while the Joint Defense Agreement was in effect in *United States of America v. United Corp., et al.*, VI D.Ct.205-cr-015.

RESPONSE: Denied.

48. ADMIT or DENY that a bill for attorneys' or accounting fees directed to a specific defendant did not reflect their individual personal obligation, as the bills were the joint obligation for all defendants while the Joint Defense Agreement was in effect in *United States of America v. United Corp., et al.*, VI D. Ct. 2005-cr-015.

RESPONSE: Denied.

49. ADMIT or DENY that at the time the criminal tax evasion prosecuted in *United States of America v. United Corp., et. al.*, VI D. Ct. 2005-cr-015, to which United pled guilty, was undertaken, Fathi Yusuf was in charge of the finances for the Plaza Extra Partnership and created the criminal plan to skim grocery store funds which led to the criminal conviction.

RESPONSE: Defendants object to this request as vague and ambiguous as to the meaning, nature and scope of the phrase "in charge of the finances for the Plaza Extra Partnership," which was not a party to the Criminal Action and was not declared to exist until November 7, 2014 in this civil action. It is denied that Fathi Yusuf solely created the plan to underreport the gross receipts of the grocery stores. That plan was primarily conceived and executed by Mr. Yusuf and Waleed Hamed, Mr. Yusuf's then "right hand man."

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By:


CHARLOTTE K. PERRELL

(V.I. Bar #1281)

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*Attorneys for Fathi Yusuf and United
Corporation*

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S SEVENTH REQUEST TO ADMIT PURSUANT TO THE CLAIMS DISCOVERY PLAN OF 1/29/2018 NO. 46-49 OF 50** to be served upon the following via Case Anywhere docketing system:

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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,)

v.)

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

v.)

WALEED HAMED, WAHEED HAMED,)
MUFEED HAMED, HISHAM HAMED, and)
PLESSEN ENTERPRISES, INC.,)

Additional Counterclaim Defendants.)

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff,)

v.)

UNITED CORPORATION,)

Defendant.)

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)

Plaintiff,)

v.)

FATHI YUSUF,)

Defendant.)

FATHI YUSUF and)
UNITED CORPORATION,)

Plaintiffs,)

v.)

THE ESTATE OF MOHAMMAD HAMED,)
Waleed Hamed as Executor of the Estate of)
Mohammad Hamed, and)
THE MOHAMMAD A. HAMED LIVING TRUST,)

Defendants.)

CIVIL NO. SX-12-CV-370

ACTION FOR INJUNCTIVE
RELIEF, DECLARATORY
JUDGMENT, AND
PARTNERSHIP DISSOLUTION,
WIND UP, AND ACCOUNTING

Consolidated With

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES AND
DECLARATORY JUDGMENT

CIVIL NO. SX-14-CV-278

ACTION FOR DEBT AND
CONVERSION

CIVIL NO. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

DUDLEY, TOPPER
AND FEUERZEIG, LLP

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NOTICE OF SERVICE OF DISCOVERY RESPONSES

Defendant/Counterclaimants Fathi Yusuf (“Yusuf”) and United Corporation (“United”)(collectively, the “Defendants”) through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide Notice that Defendants have served the following discovery responses to counsel via the CaseAnywhere filing system as set forth below and submitted documents pursuant to electronic exchange as agreed between the parties:

Part I – Responses to Requests to Admit:

1. Responses to Hamed’s Second Requests to Admit (4-6);
2. Responses to Hamed’s Third Requests to Admit (7-29);
3. Responses to Hamed’s Fourth Requests to Admit (30-32);
4. Responses to Hamed’s Fifth Requests to Admit (33-44);
5. Responses to Hamed’s Sixth Requests to Admit (45);
6. Responses to Hamed’s Seventh Requests to Admit (46-49).

Part II – Responses to Interrogatories:

1. Responses to Hamed’s Second Interrogatories (2-13);
2. Responses to Hamed’s Third Interrogatories (14-15);
3. Responses to Hamed’s Fourth Interrogatories (16-28);
4. Responses to Hamed’s Fifth Interrogatories (29-32);
5. Responses to Hamed’s Sixth Interrogatories (33-41);
6. Responses to Hamed’s Seventh Interrogatories (42-48);
7. Responses to Hamed’s Eighth Interrogatories (49).

Part III Responses to Requests to Produce:

1. Responses to Hamed's Second Requests to Produce (6-7);
2. Responses to Hamed's Third Requests to Produce (8-18);
3. Responses to Hamed's Fourth Requests to Produce (19-27);
4. Responses to Hamed's Fifth Requests to Produce (28-36);
5. Responses to Hamed's Sixth Requests to Produce (37-47).

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15, 2018

By: 

CHARLOTTE K. PERRELL

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CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **NOTICE OF SERVICE OF DISCOVERY RESPONSES** to be served upon the following via Case Anywhere docketing system:

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The Honorable Edgar D. Ross
Email: degarrossjudge@hotmail.com

and via U.S. Mail to:

The Honorable Edgar D. Ross
Master
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Kingshill, St. Croix
U.S. Virgin Islands 00851

Alice Kuo
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Christiansted, St. Croix
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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
	)	PARTNERSHIP DISSOLUTION, WIND UP, AND ACCOUNTING
Defendants/Counterclaimants,)	
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,)	
	)	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,	)	ACTION FOR DEBT AND CONVERSION
v.)	
FATHI YUSUF,)	
)	
Defendant.)	
FATHI YUSUF and UNITED CORPORATION,	)	CIVIL NO. ST-17-CV-384
)	
Plaintiffs,	)	ACTION TO SET ASIDE FRAUDULENT TRANSFERS
v.)	
THE ESTATE OF MOHAMMAD HAMED, Waleed Hamed as Executor of the Estate of Mohammad Hamed, and THE MOHAMMAD A. HAMED LIVING TRUST,)	
)	
Defendants.)	

DUDLEY, TOPPER
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**RESPONSE TO HAMED'S SECOND REQUEST FOR PRODUCTION OF
DOCUMENTS PURSUANT TO THE CLAIMS DISCOVERY PLAN OF 1/29/2018
NOS. 6-7 OF 50 AS TO Y-6, BLACK BOOK BALANCE OWED UNITED,
Y-7 LEDGER BALANCES OWED UNITED, AND
Y-9 UNREIMBURSED TRANSFERS OWED UNITED**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Second Request for Production of Documents Pursuant to the Claims Discovery Plan of 1/29/2018, Nos. 6-7 of 50 As To Y-6, Black Book Balance Owed United, Y-7 Ledger Balances Owed United, and Y-9 – Unreimbursed Transfers Owed United.

GENERAL OBJECTIONS

Defendants make the following general objections to the Interrogatories. These general objections apply to all or many of the Interrogatories, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Interrogatories, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Interrogatories to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Requests for Production to the extent that they use 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.

**DUDLEY, TOPPER
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1000 Frederiksberg Gade

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(3) Defendants object to these Requests for Production to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Requests for Production to the extent that they seek 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) Defendants object to these Requests for Production to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Requests for Production to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Requests for Production are made

without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-privileged, responsive information is discovered, these Requests for Production will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Requests for Production to the extent that they are compound and not a single Request. Hence, these Requests for Production should be counted as more than a single Request such that when all of the subparts are included together with other Requests for Production they exceed the 50 Requests for Production established in the Joint Discovery and Scheduling Plan.

RESPONSES TO REQUESTS FOR PRODUCTION

RFPDs 6 of 50:

Request for the production of documents, number 6 of 50, relates to Claims Y-6, Y-7 and Y-9 – as described in Hamed’s November 16, 2017 Motion for a Hearing Before Special Master as “Y-6 – Black Book Balances Owned United,” “Y-7 –Ledger Balances Owed United,” and “Y-9 – Unreimbursed Transfers from United.”

Please provide all United Tenant Account bank statements from 1992 to the present, including all deposit slips and canceled checks; all Plaza Extra adjusted journal entries related to United transfers and general ledger statements from 1992 to the present (excluding those provided to the Hamed accountants on the Sage 50 system); as well as all invoices, receipts or other documentation substantiating each entry on Yusuf Exhibits to the Original Claims, G- Relevant

Black Book Entries, H- Ledger Sheets Reflecting United's Payments for Plaza Extra, and I- Summary and Supporting Documentation of Unreimbursed Transfers from United.

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of requests for production together with their sub parts and other discovery exceeds the maximum allowable number of requests for production under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of requests for production.

Defendants further object to the production of the United Tenant Account bank statements from 1992 to the present as overly broad and unduly burdensome. Yusuf Claim Y-9 relates to payments made by United in 1996 and attached to Yusuf's Accounting Claim was the supporting documentation for said claims for that limited period. Production of United's Tenant Account bank statements for four years prior to the claims at issue and for decades thereafter is unduly burdensome and unreasonably cumulative and duplicative, particularly as the information reflecting the substantive basis of the claim has been previously produced in the case and is reproduced as Exhibit I to Yusuf's Accounting Claims. V.I. R. Civ. P. 26(b)(2)(C)(i) and 26(b)(2)(D).

Defendants further object to the production of the ledger statements for 1992 through the present (with the exception of what has previously been produced) as unduly burdensome and unreasonably cumulative and duplicative given that the claims for Y-9 are limited to a single year 1996 and same was produced. V.I. R. Civ. P. 26(b)(2)(C)(i) and 26(b)(2)(D).

Further responding, Yusuf identifies and produces (where not previously produced) the following documents which are otherwise non-objectionable and responsive to this request:

The complete Black Book bate-stamped FY 004411 – 004477 (previously produced).
See also attached Bates FY 014955 which was previously produced as Exhibit H to Yusuf's Accounting Claims.

RFPDs 7 of 50:

Request for the production of documents, number 7 of 50, relates to Claims Y-6 and Y-7 – as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "Y-6 – Black Book Balances Owed United" and "Y-7- Ledger Balances Owed United."

Please provide the complete Black Book referenced in Yusuf Exhibits to the Original Claims, G- Relevant Black Book Entries and the complete ledger document referenced in Exhibit H – Ledger Sheets Reflecting United's Payments for Plaza Extra.

Response:

The complete Black Book bate-stamped FY 004411 – 004477 was previously produced. *See* also attached Bates FY 014955 which was previously produced as Exhibit H to Yusuf's Accounting Claims.

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By:



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*Attorneys for Fathi Yusuf and United
Corporation*

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S SECOND REQUESTS FOR THE PRODUCTION OF DOCUMENTS PURSUANT TO CLAIMS DISCOVERY PLAN OF 1/29/2018** to be served upon the following via Case Anywhere docketing system:

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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
	)	PARTNERSHIP DISSOLUTION, WIND UP, AND ACCOUNTING
Defendants/Counterclaimants,)	
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,)	
)	
	)	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,	)	ACTION FOR DEBT AND CONVERSION
v.)	
)	
FATHI YUSUF,)	
)	
Defendant.)	
FATHI YUSUF and UNITED CORPORATION,	)	CIVIL NO. ST-17-CV-384
)	
)	
Plaintiffs,	)	ACTION TO SET ASIDE FRAUDULENT TRANSFERS
v.)	
)	
THE ESTATE OF MOHAMMAD HAMED, Waleed Hamed as Executor of the Estate of Mohammad Hamed, and THE MOHAMMAD A. HAMED LIVING TRUST,)	
)	
Defendants.)	

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**RESPONSE TO HAMED'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS
NOS. 8-18 OF 50 PURSUANT TO THE CLAIMS DISCOVERY PLAN**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Third Request for Production of Documents Pursuant to the Claims Discovery Plan H-20: KAC357, Inc. Payment of Tropical Shipping Invoices, H-26: Inventory Moved from Plaza West to East, H-27: BJ's Wholesale Club Vendor Credit, H-36: Unclear UVI Payment, H-141: General Ledger Entry "Due T/FR Settlement" H-142: Half Acre in Estate Tutu, H-148: Excessive Travel and Entertainment Expenses, H-157: General Ledger Entry Regarding "Fathi Yusuf Refund of Overpayment," H-159: General Ledger Entries Indicating Accounts Payable Trade Payments to United Corporation in 2015, H-166: Entry For Tutu Park Ltd for \$30,359.38, and H-167: "Checks to Daytona Beach Market & Deli.

GENERAL OBJECTIONS

Defendants make the following general objections to the Requests for Production. These general objections apply to all or many of the Requests for Production, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Requests for Production. The assertion of the same, similar, or additional objections in the individual responses to the Requests for Production, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

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AND FEUERZEIG, LLP**

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(1) Defendants object to these Requests for Production to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Requests for Production to the extent that they use 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) Defendants object to these Requests for Production to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Requests for Production to the extent that they seek 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) Defendants object to these Requests for Production to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Requests for Production to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Requests for Production are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-privileged, responsive information is discovered, these Requests for Production will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Requests for Production to the extent that they are compound and not a single Request. Hence, these Requests for Production should be counted as more than a single Request such that when all of the subparts are included together with other Requests for Production they exceed the 50 Requests for Production established in the Joint Discovery and Scheduling Plan.

RESPONSES TO REQUESTS FOR PRODUCTION

RFPDs 8 of 50:

Request for the Production of Documents, 8 of 50, relates to H-20 (old Clam No. 279):
“KAC357, Inc. payment of Tropical Shipping invoices.”

With respect to H-20, please provide all documents which relate to this transaction and entry in the accounting – the invoice(s), proof of reimbursement to KAC357, Inc., bank statements, etc. and particularly all underlying documents relating to any refusal to pay these invoices.

Response:

Defendants object to this Request for Production since KAC357, Inc. is not a party to this case and its “claims” are not part of the accounting claims referred to the Master for his report and recommendation.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at

or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

RFPDs 9 of 50:

Request for the Production of Documents, relates to H-26 (old Claim No. 316):
“Inventory moved from Plaza West to East after official inventory.”

Please provide all documents which relate to H-26 – particularly all underlying documents relating to any sales or transfers from West to East after the date of the inventory amount being set.

Response:

This Request for Production relates to an accounting allocation made by the accountant to the Partnership under the supervision of the Master. Yusuf, as a partner, is without sufficient knowledge to respond to this inquiry as the information is not with in his care, custody or control. Yusuf has made reasonable inquiry into this Interrogatory and the information he knows or can readily obtain is insufficient to enable him to respond to same.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John

Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

RFPDs 10 of 50:

Request for the Production of Documents, 10 of 50, relates to H-27 (old Claim No. 319): “BJ’s Wholesale Club vendor credit.”

With respect to H-27, please provide all documents, including, but not limited to, bank statements, credit card statements, canceled checks, and/or invoices, that demonstrates that the 2015 credit of \$5,632.57 from BJ Wholesale placed on Mike Yusuf’s personal credit card was properly reimbursed to the Partnership, or documents relating to the refusal to reimburse the Partnership.

Response:

Defendants further object to this Interrogatory on the grounds set forth in the Motion to Strike Hamed’s Amended Claim Nos. H-41 through H-141 and Additional “Maybe” Claims (“Motion to Strike”) seeking to strike Hamed Claim H-27. Defendants incorporate by reference their Motion to Strike as if fully set forth herein verbatim and submit that because there is a

pending Motion to Strike, the requirement for a response should be stayed pending the resolution.

RFPDs 11 of 50:

Request for the Production of Documents, 11 of 50, relates to H-36 (old Claim No. 345): "Unclear UVI payment."

With respect to H-36, please provide all documents, including, but not limited to, bank statements, credit card statements, canceled checks, and/or invoices, that demonstrate that the UVI payments that were erroneously deposited in the Plaza Extra East bank account after the transfer of the stores was reimbursed to KAC357, Inc. or documents relating to the refusal to reimburse KAC357, Inc.

Response:

Defendants further object to this Interrogatory on the grounds set forth in the Motion to Strike seeking to strike Hamed Claim H-36. Defendants incorporate by reference their Motion to Strike as if fully set forth herein verbatim and submit that because there is a pending Motion to Strike, the requirement for a response should be stayed pending the resolution.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role

as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

RFPDs 12 of 50:

Request for the Production of Documents, 12 of 50, relates to H-141 (old Claim No 488): "Unclear general ledger entry "due t/fr settlement re stmt at 9/30/15."

With respect to H-141, please provide all documents which relate to this entry – particularly all underlying documents relating to the 9/30/15 settlement referenced, the funds involved and their disposition.

Response:

Defendants further object to this Interrogatory on the grounds set forth in the Motion to Strike seeking to strike Hamed Claim H-141. Defendants incorporate by reference their Motion to Strike as if fully set forth herein verbatim and submit that because there is a pending Motion to Strike, the requirement for a response should be stayed pending the resolution.

Defendants further object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed

attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

RFPDs 13 of 50:

Request for the Production of Documents, 13 of 50, relates to H-142 (old Claim No. 490): "Half acre in Estate Tutu."

With respect to H-142, please provide all documents which relate to this entry – particularly (but not limited to) all underlying documents relating to the source of funds for the purchase of this property if it was other than income from the stores.

Response:

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Defendants object to this Request for Production because it involves a potential claim that is barred by the Court's Memorandum Opinion and Order Re Limitation on Accounting ("Limitation Order"), which limits the scope of the accounting to only those transactions that occurred on or after September 17, 2006. Pursuant to a deed dated July 26, 2006 and recorded on August 24, 2006, this property was titled in the name of Plessen Enterprises, Inc. and was not an asset of the Partnership as of September 17, 2006. Accordingly, any claims by Hamed relating to this property are clearly barred by the Limitation Order and Defendants have 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).

Moreover, this claim is the subject of Defendants' Motion to Strike Hamed's Amended Claim Nos. 142 and 143 ("Motion to Strike") seeking to strike Hamed Claim 142 on the grounds that the property was titled in the name of Plessen, was not an asset of the Partnership and is barred by the Limitation Order. Defendants incorporate by reference their Motion to Strike as if fully set forth herein verbatim and submit that because there is a pending Motion to Strike, the requirement for a response should be stayed pending the resolution.

RFPDs 14 of 50:

Request for the Production of Documents, 14 of 50, relates to H-148 (old Claim No. 3011): "Excessive travel and entertainment expenses,"

If the answer to the request to admit as to H-148 is "deny," please provide the backup documentation for all travel expenses for the members of the Yusuf family from 2007 to 2014 that exceed \$1000, as it relates to H-148.

Response:

Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production.

First, the Request to Admit relating to H-148 addresses travel expenses for the period of 2013 through 2015. However, the request seeks information for up to seven years prior to that time, seeking information from 2007 to present. Therefore, the request is overly broad.

Second, John Gaffney has provided Hamed's counsel and CPA's ledgers with details of those expenses to the Hamed when the initial inquiry was made of him on May 17, 2016. Defendants incorporates that response as if fully set forth herein verbatim.

Third, this Request seeks documentation prior to John Gaffney's efforts as accountant and his institution of the computerized accounting systems. To determine specific travel expenditures for each individual would require a full physical review of the historical paper files for the various Plaza Extra stores. As Hamed is well aware, two the stores are now under the control of the Hameds. Consequently, Yusuf no longer has access to such documents as they are not within his care, custody or control. Therefore, the burden of securing such information is equally borne by the Hamed and should not be imposed upon Yusuf.

Fourth, before the period as to this Request, all checks written on the accounts for the Plaza Extra stores were to be signed by members of both families and thus, would already have been approved with the appropriate support so as to have justified the payment.

RFPDs 15 of 50:

Request for the Production of Documents, 15 of 50, relates to H-157 (old Claim No. 402/418): "Unclear general ledger entry regarding "Fathi Yusuf refund of overpayment."

With respect to H-157, please provide all documents which relate to this transaction and accounting entry – particularly (but not limited to) all underlying documents relating to the general ledger entry "West 7/14/15, JE14, GENJ, YUSUF REFUND OF OVERPMNT, \$77,335.62."

Response:

Defendants object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Without waiving any objection, Defendants show that the documentation relating to same has been provided previously as part of the documentation provided with the Bi-Monthly report. Hence, Yusuf objects to further reproducing information that has already been provided as the burden to secure the information is equally born by Hamed. Further, Defendants submit that as to any payments made on or about July 14, 2015, they would have been submitted to the Master for review and approval.

RFPDs 16 of 50:

Request for the Production of Documents, 16 of 50, relates to H-159 (old Claim No. 442/407): "Unclear general ledger entries indicating Accounts Payable-trade payment to United Corporation in 2015."

With respect to H-159, please provide all documents which relate to, support, and explain all of the accounts payable-trade payments made to the United Corporation in 2015, including, but not limited to invoices, bank statements, credit card statements, and canceled checks.

Response:

Defendants object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he

undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Without waiving any objection, Defendants show that the documentation relating to same has been provided previously as part of the documentation provided with the Bi-Monthly report. Hence, Yusuf objects to further reproducing information that has already been provided as the burden to secure the information is equally borne by Hamed. Further, Defendants submit that as to any payments made on or about July 14, 2015, they would have been submitted to the Master for review and approval.

RFPDs 17 of 50:

Request for the Production of Documents, 17 of 50, as described in Hamed's February 15, 2016 Request to John Gaffney re GL by Item Number and the September 28, 2016 JVZ Engagement Report and Exhibits, relates to H-166 (old Claim No. 218): "Entry of Tutu Park Ltd for \$30,359.38."

With respect to H-166, please provide all documents which relate to, support and explain the transaction and accounting entry for Tutu Park Ltd for \$30,359.38, including, but not limited to invoices, bank statements, credit card statements, and canceled checks.

Response:

Defendants object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Without waiving any objection, Defendants show that the documentation relating to same has been provided previously as part of the documentation provided with the Bi-Monthly report. Hence, Yusuf objects to further reproducing information that has already been provided as the burden to secure the information is equally borne by Hamed. Further, Defendants submit that as to any payments made on or about July 14, 2015, they would have been submitted to the Master for review and approval.

RFPDs 18 of 50:

Request for the Production of Documents, 18 of 50, as described in Hamed's February 15, 2016 Request to John Gaffney re GL by Item Number and the September 28, 2016 JVZ Engagement Report and Exhibits, relates to H-167 (old Claim No. 220): "Checks to Daytona Beach Market & Deli."

With respect to H-167, please provide all documents which relate to, support and explain all of the 2013 general ledger entries "checks to Daytona Beach Market & Deli," including, but not limited to documents identifying that entity, invoices, bank statements, credit card statements, and canceled checks. This is an unfamiliar vendor to the Hameds.

Response:

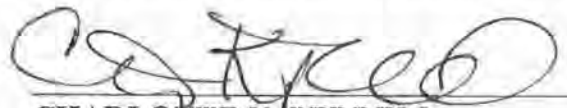
Defendants object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years

ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

Without waiving any objection, Defendants show that the documentation relating to same has been provided previously as part of the documentation provided with the Bi-Monthly report. Hence, Yusuf objects to further reproducing information that has already been provided as the burden to secure the information is equally borne by Hamed.

DATED: May 15th, 2018

By:



CHARLOTTE K. PERRELL

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*Attorneys for Fathi Yusuf and United
Corporation*

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S THIRD REQUESTS FOR THE PRODUCTION OF DOCUMENTS NOS. 8-18 OF 50 PURSUANT TO CLAIMS DISCOVERY PLAN** to be served upon the following via Case Anywhere docketing system:

Joel H. Holt, Esq.
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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.)	
	)	ACTION FOR INJUNCTIVE
FATHI YUSUF and UNITED CORPORATION,	)	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,	)	ACTION FOR DEBT AND
v.	)	CONVERSION
)	
FATHI YUSUF,)	
)	
Defendant.)	
FATHI YUSUF and)	
UNITED CORPORATION,)	
	)	CIVIL NO. ST-17-CV-384
Plaintiffs,)	
v.	)	ACTION TO SET ASIDE
	)	FRAUDULENT TRANSFERS
)	
THE ESTATE OF MOHAMMAD HAMED,)	
Waleed Hamed as Executor of the Estate of)	
Mohammad Hamed, and)	
THE MOHAMMAD A. HAMED LIVING TRUST,)	
)	
Defendants.)	

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**RESPONSE TO HAMED'S FOURTH REQUEST FOR PRODUCTION OF
DOCUMENTS NOS. 19-27 OF 50 PURSUANT TO THE CLAIMS DISCOVERY PLAN**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Fourth Request for Production of Documents Pursuant to the Claims Discovery Plan of 1/29/2018, as to H-1: Reimbursement for Sale If the Dorothea Condo H-144: \$900,00 Estimated Tax Payment Four United Corporation Shareholders Y-2: Rent for Bays 5&8 Y-10: Past Pship Withdrawals – Receipts Y-11: Lifestyle Analysis Y-14: Half of Value of Six Containers.

GENERAL OBJECTIONS

Defendants make the following general objections to the Requests for Production. These general objections apply to all or many of the Requests for Production, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Requests for Production. The assertion of the same, similar, or additional objections in the individual responses to the Requests for Production, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Requests for Production to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

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(2) Defendants object to these Requests for Production to the extent that they use 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) Defendants object to these Requests for Production to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Requests for Production to the extent that they seek 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) Defendants object to these Requests for Production to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Requests for Production to the extent they seek documents or information not in the possession, custody or control of Defendants, on the

grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Requests for Production are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional, non-privileged, responsive information is discovered, these Requests for Production will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Requests for Production to the extent that they are compound and not a single Request. Hence, these Requests for Production should be counted as more than a single Request such that when all of the subparts are included together with other Requests for Production they exceed the 50 Requests for Production established in the Joint Discovery and Scheduling Plan.

RESPONSES TO REQUESTS FOR PRODUCTION

RFPDs 19 of 50:

Request for the Production of Documents, 19 of 50, relates to H-1 (old Claim No. 201): "Reimbursement for sale of the Dorthea condo."

With respect to H-1, please provide all documents relating to the payment received by Fathi Yusuf for the purchase of the Y & S Corporation 1000 shares, including, but not limited to, documents indicating the dates the payments were made to Fathi Yusuf and bank records

showing the deposits of the payment made to Fathi Yusuf and any disbursements to the actual shareholders by Fathi Yusuf:

2. In consideration of the transfer of its 1000 shares of Y & S Corporation, Inc., Buyer agrees to pay to seller's nominee, Mr. Fathi Yusuf of 9-C Princess Hill, St. Croix the sum of Nine Hundred thousand (\$900,000.00) Dollars.

3. Price: The amount due and payable hereunder shall be paid over a period of four (4) years in four equal yearly installments, of Two Hundred and Twenty-Five Thousand (\$225,000.00) Dollars. The first installments shall become due on January 15, 2001, and the remaining installments shall become due on January 15, 2002, January 15, 2003, and January 15, 2004.

4. Interest: The installments due hereunder shall accrue interest on the outstanding balance at a rate of twelve percent (12%) per annum until the entire balance is paid in full. Payment of interest is waived provided payment of each installment due is made within 30 days of the due date for such installment. In the event that an installment is late, the interest payable or accruable to the date of the late payment shall be paid to the IQRA School in St. Croix, United States Virgin Islands. Further, in the event of default, as default is defined hereunder, all interest accruable under this agreement shall be payable to the IQRA School. (See, HAMD601620 – HAMD601624 at pp. HAMD601620-21.

Response:

Defendants object to this Request as it involves a transaction which occurred prior to the Accounting Order limiting claims between the Partners to those transactions which occurred prior to September 17, 2006. Hence, Yusuf objects to this Request on the grounds that it is not relevant to any party's claim or defense. V.I. Civ. R. P. 26(b)(2)(C)(iii).

RFPDs 20 of 50:

Request for the Production of Documents, 20 of 50 relates to H-144 (old Claim No. 492):
“\$900,000 Estimated tax payment for United Corporation shareholders.”

With respect to H-144, an estimated tax payment in April 2013 using Partnership funds was made for United Corporation shareholders. Please provide all documents related to this

expenditure, including but not limited to: any written agreements that Partnership funds would be used in this manner, tax returns for each United shareholder documenting any such payments, as well as any documentation showing that the Hamed's tax for the same time period were paid by the Partnership.

Response:

Defendants object on the grounds that the responsive information cannot be readily obtained by making reasonable inquiries as these inquiries require the skilled and detailed attention and focus of John Gaffney, former Partnership accountant, to revisit his accounting and work papers. Yusuf is no longer being paid to function as the Liquidating Partner to answer questions on behalf of the Partnership and the accounting that took place during the liquidation process. Likewise, John Gaffney is no longer employed by the Partnership to function in the role as Partnership accountant. To respond to these questions, the expertise and knowledge of John Gaffney is necessary, which diverts him away from his employment with United. Rather, if Hamed seeks information from John Gaffney for questions as to the accounting efforts he undertook as the Partnership accountant, Hamed should be required to compensate John Gaffney for his time in researching and preparing those responses. Furthermore, many of these inquiries as to the Partnership accounting are duplicative of questions Gaffney has previously addressed at or near the time that the transactions took place. Reorienting now as to transactions from years ago constitutes an undue burden and causes unnecessary time and expense. If Hamed seeks to revisit these issues, Hamed should bear the cost.

RFPDs 21 of 50:

Request for the Production of Documents, 21 of 50, relates to Y-2: "Rent for Bays 5 & 8,"

With respect to Y-2, please provide all documents demonstrating a written agreement that Hamed or the Partnership agreed to pay rent for Bays 5 & 8, including any documents establishing the amount of rent, a signed lease agreement and any prior payments of rent on Bays 5 & 8, include but do not limit this to any writings after Hamed brought suit in September of 2012, that would show any such consent or agreement continued after that suit.

Response:

Defendants submit that information responsive to this Request for Production is set forth in Fathi Yusuf's earlier declaration he explained that "[u]nder the business agreement between Hamed and me that I now describe as a partnership, profits would be divided 50-50 after deduction for rent owed to United, among other expenses" and that "[u]nder our agreement, I was the person responsible for making all decisions regarding when the reconciliation would take place" and that Yusuf had the discretion to determine when the reconciliation would take place. *See* August 12, 2014 Yusuf Declaration, p. 2.

[Need to find out from Mr. Yusuf whether any prior payments were made as to Bays 5 and 8.]

RFPDs 22 of 50:

Request for the Production of Documents, 22 of 50, relates to Y-10, "Past Pship Withdrawals – Receipts."

With respect to Y-10, please provide all documents demonstrating a reconciliation of the Plaza Extra West and St. Thomas stores receipts occurring at the same time as the Plaza Extra East

reconciliation, as referenced as “[a]mount owed by Hamed family to Yusuf as per agreement before raid Sept 2001. As per Mike’s testimony these tickets were burned ([r]efer to Letter dated August 15, 2012)” in the revised BDO Exhibit J-2, attached to Yusuf’s Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017.

Response:

Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of Requests for Production together with their sub parts and other discovery exceeds the maximum allowable number of Requests for Production under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production.

Documents supporting the allocation of partner accounts has been set forth in the BDO Report Tables and supporting documentation provided to Hamed via flashdrive on October 4, 2016.

RFPDs 23 of 50:

Request for the Production of Documents, 23 of 50, relates to Y-10, “Past Pship Withdrawals – Receipts.”

With respect to Y-10, please provide all documents substantiating the alleged \$237,352.75 in “[w]ithdrawals from the partnership with a signed ticket/receipt” by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, title “Summary calculation of Additional Income as a result of withdrawals from Supermarkets’ accounts (or partnership’ accounts) – January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the

Court),” attached to Yusuf’s Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017.

Response:

All documents supporting has been previously provided in the Tables to the BDO Reports and supporting documentation provided to Hamed on October 4, 2016.

RFPDs 24 of 50:

Request for the Production of Documents, 24 of 50, relates to Y-10, “Past Pship Withdrawals – Receipts.”

With respect to Y-10, please provide all documents substantiating the alleged \$20,311.00 in “[p]ayments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks” by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, titled “Summary calculation of Additional Income as a result of withdrawals from Supermarkets’ accounts (or partnership’s accounts) – January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court),” attached to Yusuf’s Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017.

Response:

All documents supporting has been previously provided in the Tables to the BDO Reports and supporting documentation provided to Hamed on October 4, 2016.

RFPDs 25 of 50:

Request for the Production of Documents, 25 of 50, relates to Y-10, "Past Pship Withdrawals – Receipts."

With respect to Y-10, please provide all documents substantiating the alleged \$1,778,103.00 in the "[a]mount owed by Hamed family to Yusuf as per agreement before raid Sept 2001. As per Mike's testimony these tickets were burned ([r]efer to Letter dated August 15, 2012)" by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawal from Supermarkets' accounts (or partnership's accounts) – January 1994 to August 2014. (Including adjustment for withdrawals before 9/17/2006 as instructed by the Court)," attached to Yusuf's Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017.

Response:

All documents supporting has been previously provided in the Tables to the BDO Reports and supporting documentation provided to Hamed on October 4, 2016.

RFPDs 26 of 50:

Request for the Production of Documents, 26 of 50, relates to Y-11, "Lifestyle Analysis." With respect to Y-11, please provide all bank account statements documenting deposits, all brokerage and retirement accounts documenting deposits and all credit card statements in the names of Fathi, Maher, Nejeh and Yusuf Yusuf (individually and any combination of joint accounts between them and all joint accounts with their spouses), from September 17, 2006 to September 30, 2016. Include but do not limit this to:

- All bank account statements documenting deposits or withdrawals

- All brokerage and retirement account statements documenting deposits or withdrawals
- All credit card statements

Response:

Defendants object to this Request for Production because it seeks personal financial information concerning Yusuf's sons, who are not parties to this case.

Defendants further object to this Request because it seeks personal information when there has been no allegation that monies were removed from the partnership by any member of the Yusuf family which were not otherwise disclosed to the Hameds. Furthermore, unlike the Hameds, the Yusufs had sources of income other than the partnership which would account for income and assets in excess of the funds acknowledged to have been withdrawn from the partnership. Hence, the discovery is irrelevant because "the proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(iii).

To the extent documents already exist in the records, they may be found within the BDO Report which has been previously provided in the Tables to the BDO Reports and supporting documentation provided to Hamed on October 4, 2016.

RFPDs 27 of 50:

Request for the Production of Documents, 26 of 50, relates to Y-14, "Half of Value of Six Containers."

With respect to Y-14, please provide all documents substantiating your claim, including the itemized pricing and contents of the six containers.

Response:

To the extent that information has not already been provided to Hamed pursuant to briefing relating to this claim, Defendants will supplement their response to this Request.

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By: 

CHARLOTTE K. PERRELL

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*Attorneys for Fathi Yusuf and United
Corporation*

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

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(340) 774-4422

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S FOURTH REQUESTS FOR THE PRODUCTION OF DOCUMENTS NOS. 19-27 OF 50 PURSUANT TO CLAIMS DISCOVERY PLAN** to be served upon the following via Case Anywhere docketing system:

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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
	)	PARTNERSHIP DISSOLUTION, WIND UP, AND ACCOUNTING
Defendants/Counterclaimants,)	
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,)	
	)	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,	)	ACTION FOR DEBT AND CONVERSION
v.)	
FATHI YUSUF,)	
)	
Defendant.)	
FATHI YUSUF and UNITED CORPORATION,	)	CIVIL NO. ST-17-CV-384
)	
Plaintiffs,	)	ACTION TO SET ASIDE FRAUDULENT TRANSFERS
v.)	
THE ESTATE OF MOHAMMAD HAMED, Waleed Hamed as Executor of the Estate of Mohammad Hamed, and THE MOHAMMAD A. HAMED LIVING TRUST,)	
)	
Defendants.)	

DUDLEY, TOPPER
AND FEUERZEIG, LLP
1000 Frederiksberg Gade
P.O. Box 756
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(340) 774-4422

**RESPONSE TO HAMED'S FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS
NOS. 28-36 OF 50 PURSUANT TO THE CLAIMS DISCOVERY PLAN**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Fifth Request for Production of Documents Pursuant to the Claims Discovery Plan of 1/29/2018.

GENERAL OBJECTIONS

Defendants make the following general objections to the Requests for Production. These general objections apply to all or many of the Requests for Production, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Requests for Production. The assertion of the same, similar, or additional objections in the individual responses to the Requests for Production, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Requests for Production to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Requests for Production to the extent that they use 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) Defendants object to these Requests for Production to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Requests for Production to the extent that they seek 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) Defendants object to these Requests for Production to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Requests for Production to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Requests for Production are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional,

non-privileged, responsive information is discovered, these Requests for Production will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Requests for Production to the extent that they are compound and not a single Request. Hence, these Requests for Production should be counted as more than a single Request such that when all of the subparts are included together with other Requests for Production they exceed the 50 Requests for Production established in the Joint Discovery and Scheduling Plan.

RESPONSES TO REQUESTS FOR PRODUCTION

RFPDs 28 of 50:

SUBSTANTIALLY THE SAME AS YUSUF RFPD 2. Please produce any and all financial statements or applications for financing for United, as well as Fathi, Mike, Nejeh and Yusuf Yusuf or any company controlled more than 49%, submitted to any person or institution from September 17, 2006 to present.

Response:

Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of Requests for Production together with their sub parts and other discovery exceeds the maximum allowable number of Requests for Production under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production.

Defendants further object to this Request for Production because it seeks personal financial information concerning Yusuf's sons, who are not parties to this case.

Defendants further object to this Request for Production because it seeks personal information when there has been no allegation that monies were removed from the partnership by any member of the Yusuf family which were not otherwise disclosed to the Hameds. Furthermore, unlike the Hameds, the Yusufs had sources of income other than the partnership which would account for income and assets in excess of the funds acknowledged to have been withdrawn from the partnership. Hence, the discovery is irrelevant because "the proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(iii).

RFPDs 29 of 50:

SUBSTANTIALLY THE SAME AS YUSUF RFPD 4. Please produce copies of any accountings prepared by or on behalf of United or any member of the Hamed or Yusuf families in the Criminal Case to demonstrate the Partnership's or United's income.

Response:

Defendants object on the grounds that the Partnership was not an acknowledged or separate legal entity at the time of the Criminal Case and, therefore, no accountings were undertaken to demonstrate income of the Partnership.

RFPDs 30 of 50:

SUBSTANTIALLY THE SAME AS YUSUF RFPD 5. Please produce copies of all original tax returns filed by United, Fathi, Mike, Nejeh and Yusuf Yusuf from 1986 to date.

Response:

Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of Requests for Production together with their sub parts and other discovery exceeds the maximum allowable number of Requests for Production under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production.

Defendants further object to this Request for Production because it seeks personal financial information concerning Yusuf's sons, who are not parties to this case.

Defendants further object to this Request for Production because it seeks personal information when there has been no allegation that monies were removed from the partnership by any member of the Yusuf family which were not otherwise disclosed to the Hameds. Furthermore, unlike the Hameds, the Yusufs had sources of income other than the partnership which would account for income and assets in excess of the funds acknowledged to have been withdrawn from the partnership. Hence, the discovery is irrelevant because "the proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(iii).

RFPDs 31 of 50:

SUBSTANTIALLY THE SAME AS YUSUF RFPD 6. Please produce copies of all documents including statements relating to any operating, savings, credit, investment, trust, escrow or other accounts in which United, Fathi, Mike, Negeh and Yusuf Yusuf or any company which they have more than 49% control, have or had any interest in the Virgin Islands or elsewhere, including, but not limited to Jordan and West Bank, Palestine, from 1986 to date.

Response:

Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of Requests for Production together with their sub parts and other discovery exceeds the maximum allowable number of Requests for Production under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production.

Defendants further object to this Request for Production because it seeks personal financial information concerning Yusuf's sons, who are not parties to this case.

Defendants further object to this Request for Production because it seeks personal information when there has been no allegation that monies were removed from the partnership by any member of the Yusuf family which were not otherwise disclosed to the Hameds. Furthermore, unlike the Hameds, the Yusufs had sources of income other than the partnership which would account for income and assets in excess of the funds acknowledged to have been withdrawn from the partnership. Hence, the discovery is irrelevant because "the proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(iii).

RFPDs 32 of 50:

SUBSTANTIALLY THE SAME AS YUSUF RFPD 7. Please produce all documents relating to all assets of United, Fathi, Mike, NejeH and Yusuf Yusuf as of September 12, 2012 and the value of such assets.

Response:

Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of Requests for Production together with their sub parts and other discovery exceeds the maximum allowable number of Requests for Production under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production.

Defendants further object to this Request for Production because it seeks personal financial information concerning Yusuf's sons, who are not parties to this case.

Defendants further object to this Request for Production because it seeks personal information when there has been no allegation that monies were removed from the partnership by any member of the Yusuf family which were not otherwise disclosed to the Hameds. Furthermore, unlike the Hameds, the Yusufs had sources of income other than the partnership which would account for income and assets in excess of the funds acknowledged to have been withdrawn from the partnership. Hence, the discovery is irrelevant because "the proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(iii).

As to United, the assets of United have been accounted for and provided to Hamed since the outset of this civil action.

RFPDs 33 of 50:

SUBSTANTIALLY THE SAME AS YUSUF RFPD 8. For any allocation set forth in Exhibits 1-5, please produce all underlying documents relating to any such allocation

Response:

All of the underlying documents supporting the allocations set forth in Exhibits 1-5 were produced via a flash-drive labeled as Exhibit J-1 and delivered to Counsel for Hamed on October 4, 2016, as part of the submission Yusuf's original Accounting Claims and Proposed Distribution.

RFPDs 34 of 50:

SUBSTANTIALLY THE SAME AS YUSUF RFPD 9. Please produce all documents relating to your claim that rent is due from the Partnership to occupying Bay 5 and Bay 8.

Response:

See Exhibit D – Declaration of Fathi Yusuf, attached to Yusuf's original Accounting Claims and Proposed Distribution previously served upon counsel for Hamed on September 30, 2016.

RFPDs 35 of 50:

SUBSTANTIALLY THE SAME AS YUSUF RFPD 10. For any debts Yusuf claims are owed by the Partnership in Exhibit 6, please provide any documents or supporting evidence which supports these debts of the Partnership.

Response:

See Exhibits attached to Yusuf's original Accounting Claims and Proposed Distribution previously served upon counsel for Hamed on September 30, 2016 as well as the referenced Bi-Monthly Reports.

RFPDs 36 of 50:

SUBSTANTIALLY THE SAME AS YUSUF RFPD 11. As to the accounts of Fathi, Mike, Nejeah and Yusuf Yusuf, please produce copies of any and all bank or investment account statements for the period from September 17, 2006 to date.

Response:


Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of Requests for Production together with their sub parts and other discovery exceeds the maximum allowable number of Requests for Production under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production.

Defendants further object to this Request for Production because it seeks personal financial information concerning Yusuf's sons, who are not parties to this case.

Defendants further object to this Request for Production because it seeks personal information when there has been no allegation that monies were removed from the partnership by any member of the Yusuf family which were not otherwise disclosed to the Hameds. Furthermore, unlike the Hameds, the Yusufs had sources of income other than the partnership which would account for income and assets in excess of the funds acknowledged to have been withdrawn from the partnership. Hence, the discovery is irrelevant because "the proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(iii).

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By: 
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Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

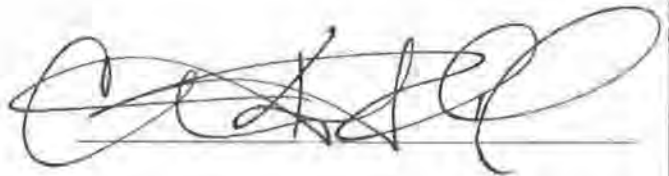
It is hereby certified that on this 15th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S FIFTH REQUESTS FOR THE PRODUCTION OF DOCUMENTS NOS. 28-36 OF 50 PURSUANT TO CLAIMS DISCOVERY PLAN** to be served upon the following via Case Anywhere docketing system:

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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.)	
	)	ACTION FOR INJUNCTIVE
FATHI YUSUF and UNITED CORPORATION,	)	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.,)	
<u>Additional Counterclaim Defendants.</u>	)	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,	)	ACTION FOR DEBT AND
v.	)	CONVERSION
)	
FATHI YUSUF,)	
)	
Defendant.)	
FATHI YUSUF and)	
UNITED CORPORATION,	)	CIVIL NO. ST-17-CV-384
)	
Plaintiffs,)	
v.	)	ACTION TO SET ASIDE
	)	FRAUDULENT TRANSFERS
)	
THE ESTATE OF MOHAMMAD HAMED,)	
Waleed Hamed as Executor of the Estate of)	
Mohammad Hamed, and)	
THE MOHAMMAD A. HAMED LIVING TRUST,)	
)	
Defendants.)	

DUDLEY, TOPPER
AND FEUERZEIG, LLP

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P.O. Box 756

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

(340) 774-4422

**RESPONSE TO HAMED'S SIXTH REQUEST FOR PRODUCTION OF DOCUMENTS
NOS. 37-47 OF 50 PURSUANT TO THE CLAIMS DISCOVERY PLAN OF 1/29/2018**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Sixth Request for Production of Documents Pursuant to the Claims Discovery Plan of 1/29/2018.

GENERAL OBJECTIONS

Defendants make the following general objections to the Requests for Production. These general objections apply to all or many of the Requests for Production, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Requests for Production. The assertion of the same, similar, or additional objections in the individual responses to the Requests for Production, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Requests for Production to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Requests for Production to the extent that they use 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) Defendants object to these Requests for Production to the extent they seek 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 Defendants or relating to mental impressions, conclusions, opinions, or legal theories of their attorneys or representatives, or any other applicable privilege or doctrine under federal or territorial statutory, constitutional or common law. Defendants' 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 Defendants of such privilege or doctrine.

(4) Defendants object to these Requests for Production to the extent that they seek 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) Defendants object to these Requests for Production to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Defendants' response to such request will be based upon their understanding of the request.

(6) Defendants object to these Requests for Production to the extent they seek documents or information not in the possession, custody or control of Defendants, on the grounds that it would subject them to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Defendants have not completed either their discovery or preparation for trial of this matter. Accordingly, Defendants' responses to these Requests for Production are made without prejudice to their right to make any use of, or proffer at any hearing or at trial evidence later discovered, and are based only upon information presently available. If any additional,

non-privileged, responsive information is discovered, these Requests for Production will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Defendants object to these Requests for Production to the extent that they are compound and not a single Request. Hence, these Requests for Production should be counted as more than a single Request such that when all of the subparts are included together with other Requests for Production they exceed the 50 Requests for Production established in the Joint Discovery and Scheduling Plan.

RESPONSES TO REQUESTS FOR PRODUCTION

RFPD 37 of 50:

Please produce any and all documents relating to gifts given by Fathi Yusuf (and/or is wife) to Mafi Hamed and Shawn Hamed and/or at the time of their weddings to Yusuf daughters.

Response: Other than the letters and checks reflecting these amounts as noted in the BDO Report and previously produced, Yusuf is unaware of any other documents responsive to this request.

RFPD 38 of 50:

Please produce any and documents relating to gifts given by United Corporation to Mafi Hamed and Shawn Hamed and/or their spouses at the time of their weddings to Yusuf daughters.

Response: Other than the letters and check reflecting these amounts as noted in the BDO Report and previously produced, Yusuf is unaware of any other documents responsive to this request.

RFPD 39 of 50:

Please produce any and all documents relating to gifts given by the Plaza Extra Corporation to Mafi Hamed and Shawn Hamed and/or their spouses at the time of their weddings to Yusuf daughters.

Response: Other than the letters and checks reflecting these amounts as noted in the BDO Report and previously produced, Yusuf is unaware of any other documents responsive to this request.

RFPD 40 of 50:

Please produce any and all documents relating to gifts to Mafi Hamed and Shawn Hamed and/or their spouses at the time of their weddings to Yusuf daughters as to Fathi Yusuf or his spouse or his daughters seeking return, credit or offset in divorce proceedings.

Response: Yusuf objects as to this Request on the grounds that "the proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(iii).

RFPD 41 of 50:

Please produce any and all documents identified in or relating to your responses to Hamed's Interrogatories 42-48 of 50.

Response: To the extent not otherwise objectionable as set forth in Defendants objections and responses to Interrogatories 42-28, the documents responsive to this request and not previously provided will be produced. Further responding, Defendants submit that the information sought

relates primarily to the acknowledged \$1.6 million amount owed by Hamed to Yusuf and supporting documentation for same. The information currently available to Defendants relating to same has been previously produced and specifically delineated in the BDO Report, Tables and supporting documentation provided to Hamed via flashdrive on October 4, 2016.

RFPD 42 of 50:

SUBSTANTIALLY THE SAME AS YUSUF RFPD 7. Please produce all documents relating to all assets of United, Fathi, Mike, NejeH and Yusuf Yusuf as of September 12, 2012 and the value of such assets.

Response:

Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of Requests for Production together with their sub parts and other discovery exceeds the maximum allowable number of Requests for Production under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production.

Defendants further object to this Request for Production because it seeks personal financial information concerning Yusuf's sons, who are not parties to this case.

Defendants further object to this Request for Production because it seeks personal information when there has been no allegation that monies were removed from the partnership by any member of the Yusuf family which were not otherwise disclosed to the Hameds. Furthermore, unlike the Hameds, the Yusufs had sources of income other than the partnership which would account for income and assets in excess of the funds acknowledged to have been

withdrawn from the partnership. Hence, the discovery is irrelevant because "the proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(iii).

RFPD's 44-47 relate to the events and actions of Fathi Yusuf averred in his and United's testimony and filing as follows: (1) in Yusuf March 4, 2013 *Proposed Findings of Fact and Conclusions of Law* submitted to the Court after the Preliminary Injunction hearings, Yusuf specifically asked for a finding that he was in charge of the business' functions which would include accounting and payment of taxes agreeing with Hamed's statement, to wit:

40.... As Fathi Yusuf "is in charge for everybody" and everything, (Jan. 25, 2013 Hr'g Tr....(reflecting Mohammad Hamed's concession, even during his direct testimony, that "Mr. Yusuf he is in charge for everybody" [and] acknowledging again that Fathi Yusuf is in "charge" of "all the three stores.

After the Court's April 2013 Preliminary Injunction was issued in response to that testimony, Yusuf continued his assertion that he alone was in charge on the Partnership's management functions – as was the case in his May 9, 2013, Motion to Stay the Preliminary Injunction.

However, the testimony of the Plaintiff was clear when he admitted that he never worked in any management capacity at any of the Plaza Extra Stores, which role was under the exclusive ultimate control of Fathi Yusuf...[Id.at 6.]

RFPD 43 of 50:

Please produce any and all documents identified in or relating to your responses to Hamed's RTA 49 of 50 which asks:

49. ADMIT or DENY that at the time the criminal tax evasion prosecuted in *United States of America v. United Corp., et al.*, VI D. Ct. 2005-cr-015, to which United pled guilty, was undertaken, Fathi Yusuf was in charge of the finances for the Plaza Extra Partnership and create the criminal plan to skim grocery store funds which led to the criminal conviction.

Response:

Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of Requests for Production together with their sub parts and other discovery exceeds the maximum allowable number of Requests for Production under the JDSP

and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production.

Defendants further object to this request as vague and ambiguous as to the meaning, nature and scope of the phrase “in charge of the finances for the Plaza Extra Partnership,” which was not a party to the Criminal Action and was not declared to exist until November 7, 2014 in this civil action. It is denied that Fathi Yusuf solely created the plan to underreport the gross receipts of the grocery stores. That plan was primarily conceived and executed by Mr. Yusuf and Waleed Hamed, Mr. Yusuf’s then “right hand man.”

RFPD 44 of 50:

Please produce any and all documents which demonstrate that Mohammad Hamed “never worked in any management capacity at any of the Plaza Extra Stores, which role was under the exclusive ultimate control of Fathi Yusuf” at the time of the criminal activities to which the guilty plea was made and conviction entered.

Response:

Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of Requests for Production together with their sub parts and other discovery exceeds the maximum allowable number of Requests for Production under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production.

RFPD 45 of 50:

Please produce any and all documents which disprove that that “management capacity at any of the Plaza Extra Stores [] was under the exclusive ultimate control of Fathi Yusuf” at the time of the criminal activities to which the guilty plea was made and conviction entered.

Response:

Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of Requests for Production together with their sub parts and other discovery exceeds the maximum allowable number of Requests for Production under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production. Defendants further object to this Request to the extent it makes an incorrect assumption as it is denied that Fathi Yusuf solely created the plan to underreport the gross receipts of the grocery stores. That plan was primarily conceived and executed by Mr. Yusuf and Waleed Hamed, Mr. Yusuf’s then “right hand man.”

RFPD 46 of 50:

Please produce any and all documents which disprove that that “management capacity at any of the Plaza Extra Stores [] was under the exclusive ultimate control of Fathi Yusuf” at the time of the criminal activities to which the guilty plea was made and conviction entered.

Response:

Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of Requests for Production together with their sub parts and other discovery exceeds the maximum allowable number of Requests for Production under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production. Defendants further object to this Request to the extent it makes an incorrect assumption as it is denied that Fathi Yusuf solely created the plan to underreport the gross

receipts of the grocery stores. That plan was primarily conceived and executed by Mr. Yusuf and Waleed Hamed, Mr. Yusuf's then "right hand man."

RFPD 46 of 50:

Please produce any and all documents which prove or disprove that Fathi Yusuf planned, directed and controlled the criminal activities to which the guilty plea was made and conviction entered.

Response:

Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of Requests for Production together with their sub parts and other discovery exceeds the maximum allowable number of Requests for Production under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production. Defendants further object to this Request to the extent it makes an incorrect assumption as it is denied that Fathi Yusuf solely created the plan to underreport the gross receipts of the grocery stores. That plan was primarily conceived and executed by Mr. Yusuf and Waleed Hamed, Mr. Yusuf's then "right hand man."

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DATED: May ^{15th}, 2018

By: 

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CERTIFICATE OF SERVICE

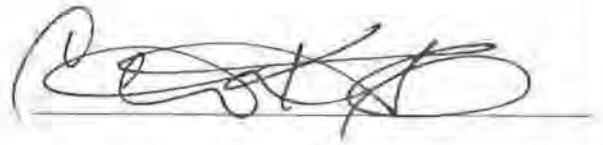
It is hereby certified that on this 5th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S SIXTH REQUESTS FOR THE PRODUCTION OF DOCUMENTS NOS. 37-47 OF 50 PURSUANT TO CLAIMS DISCOVERY PLAN OF 1/29/2018** to be served upon the following via Case Anywhere docketing system:

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