

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.)

**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:


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*Attorneys for Fathi Yusuf and United
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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 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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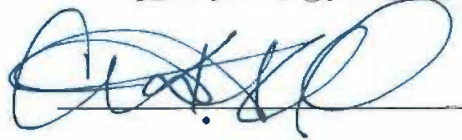
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