

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

UNITED CORPORATION,)	
)	
Plaintiff,)	CASE NO. SX-13-CV-152
)	
vs.)	ACTION FOR DAMAGES
)	
WADDA CHARRIEZ,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	

WADDA CHARRIEZ,)	
)	
Counter-Claimant,)	CASE NO. SX-13-CV-152
)	
vs.)	ACTION FOR DAMAGES
)	
UNITED CORPORATION,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	

WADDA CHARRIEZ,)	
)	
Third-Party Plaintiff,)	CASE NO. SX-13-CV-152
)	
vs.)	ACTION FOR DAMAGES
)	
FATHI YUSUF,)	JURY TRIAL DEMANDED
)	
Third-Party Defendant.)	
)	

**UNITED CORPORATION'S RULE 34 RESPONSE TO WADDA CHARRIEZ'S
FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS**

Plaintiff and Counterclaim Defendant UNITED CORPORATION (“United” or “Plaintiff”) hereby provides its Rule 34¹ Response to Defendant and Counterclaim Plaintiff Wadda Charriez’s First Request for the Production of Documents:

¹V.I. R. Civ. P. 34.

GENERAL OBJECTIONS

United makes 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 Request 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 United's objections as set forth below:

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

(2) United objects to these Requests for Production of Documents 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) United objects to these Requests for Production of Documents to the extent that 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 United or relating to mental impressions, conclusions, opinions, or legal theories of its attorneys or representatives, or any other applicable privilege or doctrine under federal or state statutory, constitutional or common law. United's 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 United of such privilege or doctrine.

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

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

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

(8) United objects to these Requests for Production of Documents to the extent they are compound and not single requests. Hence, each request should be counted as more than a single request such that when all of the subparts are included together with other requests they may exceed the 50 requests agreed upon by the parties.

RESPONSES TO REQUESTS TO PRODUCE

REQUEST TO PRODUCE NO. 1:

Please provide all documents supporting Paragraph 7 of your Complaint:

7. Plaintiff United operates three supermarket stores throughout Saint Croix and Saint Thomas under the trademark of "Plaza Extra" located at 4C & 4D Estate Sion Farm, Saint Croix, 14 Estate Plessen, Saint Croix and 4605 Tutu Park Mall, Suite 200, Saint Thomas.

RESPONSE:

Plaintiff will produce documents responsive to this request.

REQUEST TO PRODUCE NO. 2:

Please provide all documents supporting Paragraph 8 of your Complaint:

8. Plaintiff United is the employer of Wadda Charriez, who began her employment on January 1998 as a cashier. Thereafter, Defendant Charriez eventually became an office manager and was assigned the duties of preparing and issuing payroll checks.

RESPONSE:

Plaintiff will produce documents responsive to this request.

REQUEST TO PRODUCE NO. 3:

Please provide all documents supporting Paragraph 9 of your Complaint:

9. United utilizes a hand-recognition payroll system where every employee must scan his or her right hand to "punch-in" and "punch-out".

RESPONSE:

Plaintiff will produce documents responsive to this request.

REQUEST TO PRODUCE NO. 4:

Please provide all documents supporting Paragraph 10 of your Complaint:

10. The system then automatically feeds the payroll system with time and information obtained from each employee's hand scan.

RESPONSE:

Plaintiff will produce documents responsive to this request.

REQUEST TO PRODUCE NO. 5:

Please provide all documents supporting Paragraph 11 of your Complaint:

11. Any printout from the payroll system would then show the date and time the hand was scanned. However if an employee mainly enters the entry and exit times any printout of that employee's timesheets will show an asterisk next to the manually overridden time.

RESPONSE:

Plaintiff will produce documents responsive to this request.

REQUEST TO PRODUCE NO. 6:

Please provide all documents supporting Paragraph 12 of your Complaint:

12. The punch-in and punch-out hand-recognition procedure is required for all hourly-wage-based employees. Of all of the hourly-based employees, Defendant Charriez and by virtue payroll responsibilities has manually overridden the payroll system virtually every single time.

RESPONSE:

Plaintiff will produce documents responsive to this request.

REQUEST TO PRODUCE NO. 7:

Please provide all documents supporting Paragraph 13 of your Complaint:

13. There is only one explanation as to why Defendant Charriez's timesheets would show consistent manual entries to report false hours and to cause the payroll system to issue overstated wages.

RESPONSE:

Plaintiff will produce documents responsive to this request.

REQUEST TO PRODUCE NO. 8:

Please provide all documents supporting Paragraph 14 of your Complaint:

14. On April 29, 2013, plaintiff United Corporation terminated Defendant Wadda Charriez for reporting false hours causing plaintiff United monetary losses of \$40,878.00.

RESPONSE:

Plaintiff will produce any documents that reference a termination or attempted termination.

REQUEST TO PRODUCE NO. 9:

Please provide all documents supporting Paragraph 15 of your Complaint:

15. Upon information, Defendant Charriez reported false hours for the years 2006 through 2009, the records of which are being collected and analyzed.

RESPONSE:

Plaintiff will produce documents responsive to this request.

REQUEST TO PRODUCE NO. 10:

Please provide all documents supporting Paragraph 16 of your Complaint:

16. For the years 2010 through 2012 Defendant Charriez reported the following total false hours:

- i. Year 2010 ... 786 hours @ \$18 equals \$14,148
- ii. Year 2011 ... 832 hours @ \$18 equals \$14,976
- iii. Year 2012 ... 615 hours @ \$18 equals \$11,754
\$40,878

RESPONSE:

Plaintiff will produce documents responsive to this request.

REQUEST TO PRODUCE NO. 11:

Please provide all documents supporting Paragraph 17 of your Complaint:

17. United warned Wadda Charriez on January 7, 2013 of plaintiff's intent to terminate her should she fail to explain why Defendant Charriez falsely reported such significant hours.

RESPONSE:

Insofar as any documents exist that reflect any such warnings given to Wadda Charriez, they will be produced.

REQUEST TO PRODUCE NO. 12:

Please provide all documents supporting Paragraph 18 of your Complaint:

18. Plaintiff United provided Defendant Charriez over 120 days to explain her false reporting of work hours.

RESPONSE:

Insofar as any documents exist that support this allegation, they will be produced.

REQUEST TO PRODUCE NO. 13:

Please provide all documents supporting Paragraph 19 of your Complaint:

19. April 29, 2013, Defendant Charriez's employment was terminated. Employee Charriez never returned any of the money she received as a result of her false hours, and never explained the reasons for her misconduct.

RESPONSE:

United is unaware of the existence of any documents that are responsive to this request.

REQUEST TO PRODUCE NO. 14:

Please provide all documents supporting Paragraph 20 of your Complaint:

20. As an office manager, and an employee tasked with properly preparing, reporting, and issuing payroll checks for United's employee, Defendant Charriez violated her at-will employment agreement with United Corporation.

RESPONSE:

Plaintiff will produce documents responsive to this request.

REQUEST TO PRODUCE NO. 15:

Please provide all documents supporting Paragraph 21 of your Complaint:

21. As an employee of plaintiff United, Defendant violated her duties of loyalty and care owed to her employer plaintiff united.

RESPONSE:

Plaintiff will produce documents responsive to this request.

REQUEST TO PRODUCE NO. 16:

Please provide all documents supporting Paragraph 22 of your Complaint:

22. As a result of obtaining \$40,878.00 in unauthorized and illegal compensation, Defendant Charriez caused plaintiff United substantial monetary damages. loyalty and care owed to her employer plaintiff United.

RESPONSE:

Plaintiff objects to this request on the grounds that it does not accurately reproduce paragraph 22 of Plaintiff's Complaint. Subject to that objection, Plaintiff states that the documents to be produced in response to request to produce number 10 also support the allegations in paragraph 22 of the Complaint.

REQUEST TO PRODUCE NO. 17:

Please provide all documents supporting Paragraph 25 of your Complaint:

25. Plaintiff United materially relied on the representations of Defendant Charriez, and as a result issued numerous checks for overstated amounts to Defendant Charriez.

RESPONSE:

Plaintiff will produce copies of any pay records in its possession that reflect wage payments made to Defendant Charriez based on misrepresented time entries.

REQUEST TO PRODUCE NO. 18:

Please provide all documents showing that Wally Hamed, representing his father, Mohammed Hamed's interest in the Hamed-Yusuf Partnership pursuant to a power of attorney,

or the Hamed-Yusuf Partnership, authorized the current lawsuit, *United Corporation v. Wadda Charriez*, Superior Court of the Virgin Islands, Division of Saint Croix, No. 2013-CV-152.

RESPONSE:

There are no documents responsive to this request.

Respectfully submitted,

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15, 2018

By:



STEFAN B. HERPEL (V.I. Bar No. 1019)

CHARLOTTE K. PERRELL (V.I. Bar No. 1281)

Law House - 1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, VI 00804

Telephone: (340) 774-4422

Facsimile: (340) 715-4400

E-Mail: sherpel@dtflaw.com

cperrell@dtflaw.com

Attorneys for United Corporation

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

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

(340) 774-4422

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May, 2018, I caused the foregoing **UNITED CORPORATION'S RULE 34 RESPONSE TO WADDA CHARRIEZ'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS** to be served upon the following via e-mail:

Joel H. Holt, Esq.
LAW OFFICES OF JOEL H. HOLT
2132 Company Street
Christiansted, St. Croix
U.S. Virgin Islands 00820

K. Glenda Cameron, Esq.
2157 King Cross Street, Suite 1
Christiansted, St. Croix
U.S. Virgin Islands 00820

E-Mail: holtvi@aol.com

E-Mail: kglenda@cameronlawvi.com



R:\DOCS\6254\5\PLDG\17V5549.DOC