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ADMITTED: USVI, NM & DC

May 21, 2018

Charlotte Perrell, Esq.
DTF
Law House
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By Email Only

RE: Request for Rule 37 Conference re Failure to Answer RFPD 12

Dear Attorney Perrell

I write regarding several of the Yusuf/United 'claims discovery RFPD responses' served on May 15, 2018. It is Hamed's intention to file a motion to the Special Master to compel as to Yusuf's unacceptable non-answers. Pursuant to Rule 37.1, I request a conference to discuss the bases of the proposed motion, and seek amendment to the Yusuf response. I would appreciate a date and time convenient for you within a week. The following will serve as an exemplar of the issue.

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.

The worst of these is "the requirement for a response should be stayed pending the resolution" which translates to "we should not have to answer this because we are going to, at some later point, file a MPO or for a stay or something like that....." What does "should be stayed" even mean in this context. Will you be making such a motion before we meet? If not, this objection must be withdrawn

Similarly, as was the case in my prior letter as to the \$900,000 -- Mr. Gaffney is wholly unnecessary here. The "claims" concern is that a settlement occurred, Hamed does not know what it is for, Hamed does not know what funds or rights were involved, Hamed does not know where the funds went or how they were split. This has absolutely nothing to do with Mr. Gaffney. Management (apparently) made the settlement. Management (apparently) told the staff how the funds were to be booked in, allocated, distributed and used. Management must answer.

I will await your response with dates/times. Perhaps we can have a single conference on all three of Hamed's pending requests at one time.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl J. Hartmann". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Carl J. Hartmann