

**JOSEPH A. DIRUZZO, III's
OBJECTIONS TO SUBPOENA**

Pursuant to V.I.R. Civ. P. 45(d)(2)(B), Joseph A. DiRuzzo, III ("DiRuzzo") hereby objects to the subpoena duces tecum that was provided to him by email on May 17, 2018 (Exhibit 1), as follows:

OBJECTION

DiRuzzo objects to this subpoena on the grounds that my place of residence is in Florida, and the subpoena may not be served outside the Virgin Islands, and has no extraterritorial effect, pursuant to V.I. R. Civ. P. 45(b) and (g). Plaintiff has not followed the applicable procedures under Virgin Islands and Florida law for issuance of a subpoena duces tecum by a court of competent jurisdiction in this state. Nor has Plaintiff properly served the subpoena, which would be required even if the applicable rules and law permitted service outside the Virgin Islands.

Further, DiRuzzo notes that Plaintiff is seeking testimony and the following documents from me:

All documents related to your representation of Fathi Yusuf, United Corporation or the Yusuf Hamed from 9/20/12 (aka the Plaza Extra Partnership) from 9/20/2012 to 4/30/2013 for which your firm at the time billed and received payment from the "Plaza Extra – Banco Popular Account" # 191-2562690, including the attached .

See Exhibit 1 at p. 6 of 12. Even if the subpoena could properly be served outside the Virgin Island and had extraterritorial effect, the scope of the subpoena is far too broad, particularly since it seeks information regarding "all work performed between September 20, 2012 and April 30, 2013, that resulted in the payment amounts paid to Fuerst Ittleman David & Joseph, PL, for the work of Joseph A. DiRuzzo III and others, as the same are described in the Special Master's Order of May 8, 2018, to wit, . . .

\$ 15,067.26	October 19, 2012
\$ 29,011.50	October 19, 2012

\$ 99,254.45	November 16, 2012
\$111,660.24	January 21, 2013
\$112,383.32	February 13, 2013
\$ 82,274.84	March 6, 2013
\$ 54,938.89	April 3, 2013[.]

Id. at p. 7 of 12. These payments total \$504,590.50.

DiRuzzo objects to having to give any testimony or produce any documents regarding invoices for legal work performed by Fuerst Ittleman David & Joseph, PL in connection with the above payments on the grounds that the payments and related invoices include both legal work performed for United Corporation and Fathi Yusuf in the criminal case (no. 1:05-cr-15) and legal work performed in the captioned civil case and other matters unrelated to the criminal case. Because it is DiRuzzo's understanding that United Corporation and Fathi Yusuf will agree that any amounts from the \$504,590.50 that paid for legal work on the civil case and other matters unrelated to the criminal case was not for the benefit of the partnership, that amount is not in dispute and any discovery regarding it is irrelevant or overbroad.

DiRuzzo further objects on the grounds that certain documents in the voluminous criminal case files for the time period in question, which are no longer in his possession, may be privileged as attorney-client communications, and he is not aware that his former clients have waived any of their rights to assert privilege as to such documents after being given a reasonable opportunity to review them.

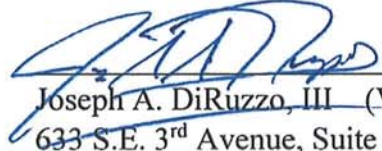
Finally, DiRuzzo objects to the subpoena because, contrary to V.I.R. Civ. P. 45(d)(1), the place and time of the scheduled deposition (St. Croix, June 31[sic], 2018) and production of documents (St. Croix, May 31, 2018) impose significant burden and expense on him.

Respectfully submitted,

Joseph A. DiRuzzo, III, P.A.

DATED: May 23, 2018

By:



Joseph A. DiRuzzo, III (V.I. Bar No. 1114)

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Corporation

Former Attorney for Fathi Yusuf and United

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2018, I caused the foregoing **OBJECTIONS TO SUBPOENA**, which complies with the page or word limitation set forth in Rule 6-1(e), to be served upon the following via the Case Anywhere docketing system:

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