

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

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

Plaintiff/Counterclaim Defendant,

vs.

FATHI YUSUF and **UNITED CORPORATION**

Defendants and Counterclaimants.

vs.

**WALEED HAMED, WAHEED HAMED,
MUFEEED HAMED, HISHAM HAMED, and
PLESSEN ENTERPRISES, INC.,**

Counterclaim Defendants,

Case No.: SX-2012-CV-370

**ACTION FOR DAMAGES,
INJUNCTIVE RELIEF AND
DECLARATORY RELIEF**

JURY TRIAL DEMANDED

Consolidated with

Case No.: SX-2014-CV-287

Consolidated with

Case No.: SX-2014-CV-278

Consolidated with

Case No.: ST-17-CV-384

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

vs.

UNITED CORPORATION, *Defendant.*

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

vs.

FATHI YUSUF, *Defendant.*

FATHI YUSUF, *Plaintiff,*

vs.

MOHAMMAD A. HAMED TRUST, *et al,*
Defendants.

**HAMED'S MOTION FOR LIMITED, 60-DAY ENLARGEMENT OF TIME
AS TO JUST THE DEPOSITIONS OF THREE OUT-OF-STATE COUNSEL:
REGARDING CLAIM H-3—ATTORNEYS' FEES**

On May 23, 2018, Hamed filed a motion regarding privilege and waiver—seeking the ability to take the depositions of (1) the DTF Firm, (2) Yusuf/United's prior, Florida counsel: the Fuerst Firm, (3) a Firm partner and (4) an ex-associate of the Firm. Hamed incorporates the discussions therein as to privilege and waiver here.

Also on May 23rd, five hours later, DTF filed a document belatedly conceding approximately 4/5ths of the amount at issue in Claim H-3.¹ They stated, at 2-3:

. . .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. . . .(Emphasis added.)

DTF also attests in that filing, without an attached declaration, that with minor exceptions, DTF was never given any of the Fuerst Firm's documents, notes, work product or other materials. Thus, Hamed's counsel is working with DTF to withdraw that subpoena.

Thus, only three depositions are outstanding. However, this only accentuates the need for the depositions of prior, Florida counsel—as they are now the only witnesses with the documents/knowledge necessary. And as Hamed's motion of the 23rd makes clear, they will not testify until the issues of privilege and waiver are either partially waived by Yusuf or decided by the Master—as nothing was said in the DTF or DiRuzzo objections.

It will be impossible for Hamed to take the three depositions remaining by June 1, 2018, because, (1) absent a waiver of privilege of the refusal of the deponents to testify absent a waiver of privilege, (2) because Yusuf/United has not granted any waiver or responded on the topic, and (3) only six days remain in the period the Special Master allowed for discovery as to H-3. Thus, Hamed asks that the Special Master for the attached order that (1) time for the 3 depositions be enlarged to August 1, 2018 and (2) all other discovery be completed as previously ordered.

¹ Attorney DiRuzzo also filed an objection.

Dated: May 24, 2018



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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 2018, I served a copy of the foregoing by email (via CaseAnywhere), as agreed by the parties, on:

Hon. Edgar Ross (w/ 2 Mailed Copies)
Special Master
% edgarrossjudge@hotmail.com

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CERTIFICATE OF COMPLIANCE WITH RULE 6-1(e)

This document complies with the page or word limitation set forth in Rule 6-1(e).



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Consolidated with

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Defendants.

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ORDER

This matter having come on before the Special Master on the Plaintiff's motion for enlargement of time, and the Court being apprised as to the facts and law, it is hereby:

Ordered that:

1. The time for the taking of three depositions of Yusuf and United's prior, Florida counsel is enlarged to August 1, 2018, and
2. All other discovery be completed as ordered by June 1, 2018.

Dated: May ____, 2018.

Special Master