**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

|  |  |
| --- | --- |
| **WALEED HAMED**,as the Executor of the Estate of MOHAMMAD HAMED, | **Case No.: SX-2012-CV-370** |
| *Plaintiff/Counterclaim Defendant*, |  |
| vs.  **FATHI YUSUF** and **UNITED CORPORATION** | **ACTION FOR DAMAGES, INJUNCTIVE RELIEF AND DECLARATORY RELIEF** |
|  |  |
| *Defendants and Counterclaimants*.  vs.  **WALEED HAMED, WAHEED** **HAMED, MUFEED HAMED, HISHAM HAMED,** **and PLESSEN ENTERPRISES, INC.**,  *Counterclaim Defendants*, | JURY TRIAL DEMANDED |
|  | Consolidated with |
| **WALEED HAMED**,as the Executor of the Estate of MOHAMMAD HAMED, *Plaintiff,*  vs. | **Case No.: SX-2014-CV-287** |
| **UNITED CORPORATION,** *Defendant.* |  |
| *­­­­­­*­­  **WALEED HAMED**,as the Executor of the Estate of MOHAMMAD HAMED, *Plaintiff*    vs.    **FATHI YUSUF**, *Defendant.* | Consolidated with  **Case No.: SX-2014-CV-278** |
| *­­­­­­*­­  **FATHI YUSUF**, *Plaintiff*,  vs.  **MOHAMMAD A. HAMED TRUST***, et al,*  *Defendants.* | Consolidated with  **Case No.: ST-17-CV-384** |
|  |  |

**HAMED’S SECOND MOTION AS TO CLAIM H-3:**

**$504,591.03 PAID TO YUSUF'S LAWYERS FROM PARTNERSHIP FUNDS**

Hamed's *Revised Claim H-3* relates to $504,591.03 of Partnership funds that Yusuf paid to his personal lawyers from September 2012 to April 2013.

**1. Yusuf and United Have Conceded this Claim**

Attached as **Exhibit 1** is a stipulation. In it, Yusuf and United concede Hamed's *Revised Claim H-3*.

**2. Interest**

These were funds taken from the Partnership and used for Yusuf's personal purposes. Although this is exacerbated by the fact that Yusuf took his partner, Hamed's, money to litigate against Hamed and refused to repay this despite Judge Brady's order of April 25, 2012, , that is irrelevant. Interest is due on funds that Yusuf obtained and used for the period from April 2013 to the date of this order. These were funds Yusuf had the use of, and as to which the Partnership was denied the interest. The statutory rate is 9%.

Thus, an Order should be entered, and pursuant to the Stipulation:

The parties expect that the Master will appropriately address the effect of this conceded claim in his Report and Recommendation for Distribution to be provided to the Court pursuant to section 9, step 6 of the Final Wind Up Plan

**Dated:** May 30, 2018 A

**Carl J. Hartmann III, Esq.**

*Co-Counsel for Plaintiff*

5000 Estate Coakley Bay, L6

Christiansted, Vl 00820

Email: carl@carlhartmann.com

Tele: (340) 719-8941

**Joel H. Holt, Esq.**

*Counsel for Plaintiff*

Law Offices of Joel H. Holt

2132 Company Street,

Christiansted, Vl 00820

Email: holtvi@aol.com

Tele: (340) 773-8709

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of May, 2018, I served a copy of the foregoing by email and (CaseAnywhere), as agreed by the parties, on:

**Hon. Edgar Ross** (w/ 2 Mailed Copies)

Special Master

edgarrossjudge@hotmail.com

**Gregory H. Hodges**

**Stefan Herpel**

**Charlotte Perrell**

Law House, 10000 Frederiksberg Gade

P.O. Box 756

St. Thomas, VI 00802

ghodges@dtflaw.com

**Mark W. Eckard**

Hamm, Eckard, LLP

5030 Anchor Way

Christiansted, VI 00820

mark@markeckard.com

**Jeffrey B. C. Moorhead**

CRT Brow Building

1132 King Street, Suite 3

Christiansted, VI 00820

jeffreymlaw@yahoo.com

A

**CERTIFICATE OF COMPLIANCE WITH RULE 6-1(e)**

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

A