

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,
MUFEED 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 WITHDRAWAL OF ALL WRITTEN DISCOVERY, DEPOSITION NOTICES
AND MOTIONS AS TO HIS CLAIM H-3: ATTORNEYS' FEES OF \$504,591.03 PAID
WITH PARTNERSHIP FUNDS TO THE FUERST LAW FIRM IN 2012- 2013**

Hamed's *Revised Claim H-3* relates to \$504,591.03 of Partnership funds that Yusuf paid to his personal lawyers (Fuerst Law Firm) 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 Revised Claim H-3 as follows:

Yusuf and United will concede the amount claimed by Hamed in H-3 (\$504,591.03)

2. Hamed withdraws all Written Discovery, Disposition Notices and Motions With Regard To Claim H-3

A. Hamed withdraws his outstanding deposition notices as to DTF, the Fuerst Firm, Christopher David, Joseph DiRuzzo.

B. Hamed withdraws all written discovery requests specifically designated as relating to his claim H-3.

B. Hamed withdraws all notices as to H-3 including any notices under Rule 37.1.

C. Hamed withdraws his outstanding motions:

i. Of May 23, 2018:

Hamed's motion for a determination of 'no-privilege' or to compel waiver or presumption as to Hamed's second motion regarding claim H-3: Yusuf's payments to the Fuerst law firm from Partnership funds.

ii. Od May 24, 2018:

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.

Dated: May 30, 2018



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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

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CERTIFICATE OF COMPLIANCE WITH RULE 6-1(e)

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WALEED HAMED, as the Executor of the
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PLESSEN ENTERPRISES, INC.,

Counterclaim Defendants,

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.

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STIPULATION

Exhibit 1

The parties to the Plaza Extra Supermarket Partnership (aka the Yusuf-Hamed Partnership) at issue in this captioned litigation, as well as the United Corporation, being in agreement and represented by undersigned counsel, do stipulate to the following:

1. As to Hamed's Claim H-3, Yusuf and United agree that, in exchange for the withdrawal of what Yusuf and United regard as expensive discovery over disputed issues regarding what legal services in the criminal case benefitted the partnership, Yusuf and United will concede the amount claimed by Hamed in H-3 (\$504,591.03). 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. The issue of whether Hamed is entitled to attorneys' fees and interest thereon is not addressed in this stipulation.

2. In light of the foregoing, Hamed agrees to: (1) withdraw the four (4) notices of deposition presently outstanding as to H-3, (2) not take further depositions of DTF, Attorney DiRuzzo, the Fuerst Firm, Attorney David or any other person or entity with regard to the issues presented in H-3 or the interest or attorneys' fees related thereto, and (3) withdraw the written discovery (including subpoenas) identified as relating to H-3. The parties also agree that Hamed's Motions of March 23, 2018¹ and March 24, 2018² are mooted by this agreement.

3. Counsel for Fathi Yusuf and United and counsel for Hamed have executed this agreement with the full knowledge, agreement and consent of their respective clients,

¹See "Hamed's Motion for a Determination of 'No-Privilege' or to Compel Waiver or Presumption as to Hamed's Second Motion Regarding Claim H-3: Yusuf's Payments to the Fuerst Law Firm from Partnership Funds."

²See "Hamed's Motion for Limited, 60-Day Enlargement of Time as [t]o Just the Depositions of Three Out-of-State Counsel: Regarding Claim H-3 – Attorney Fees."

and have agreed that this stipulation may be filed with the CaseAnywhere electronic docket by counsel for Hamed.

4. The terms of this Stipulation shall remain confidential and shall not be filed with the Superior Court unless and until such time as any party seeks the Superior Court's final determination of the Master's Report and Recommendation for Distribution, under section 9, step 6 of the Final Wind Up Plan.

Dated: May 30, 2018



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/s/ Carl Hartmann
for Joel H. Holt

Dated: May 30, 2018



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CERTIFICATE OF SERVICE

I hereby certify that on this 30 th 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

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