

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**

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

vs.

**UNITED CORPORATION**, *Defendant.*

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

vs.

**FATHI YUSUF**, *Defendant.*

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**FATHI YUSUF**, *Plaintiff,*

vs.

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

**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 interest added. After that:

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



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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)**

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



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**WALEED HAMED**, as the Executor of the  
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**Exhibit 1**

STIPULATION

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, 2018<sup>1</sup> and March 24, 2018<sup>2</sup> 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,

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<sup>1</sup>See "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."

<sup>2</sup>See "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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**Stefan Herpel**  
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