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ADMITTED: USVI, NM & DC

June 3, 2018

Charlotte Perrell, Esq.
DTF
Law House
St. Thomas, VI 00820

By Email Only

RE: Request for Rule 37 Conference re RFA 45 of 50 -- Rent on Bays 5 & 8

Dear Attorney Perrell

I write regarding several of the Yusuf/United 'claims discovery RFA responses' served on May 15, 2018. It is Hamed's intention to file a motion to the Special Master to **deem admitted** unacceptable non-answers. Pursuant to Rule 37.1, I request that we add this to the Tuesday conference -- to discuss the bases of the proposed motion, and seek amendment to the Yusuf response.

RFA 45 of 50

Request to admit 45 relates to Yusuf claims for rent as to Bays other than Bay 1 at the Sion Farm (plaza East Store) location. Defendants are directed to review attached Exhibits 1 and 2. Exhibits 1 and 2 were provided as copies of original documents and authenticated by Fathi Yusuf - as an attachment to his Affidavit in support of his 8/22/2015 motion for Summary Judgment.

Admit or Deny that Exhibit 2 is February 7, 2012 check numbered 64866, bearing the memo "PLAZA EXTRA (SION FARM) RENT" - conveying back rent payment funds to United Corporation for the benefit of the Partnership - and that neither that check nor the calculations set forth on Exhibit 1 state anywhere on the face of either document that the back rent for the Store in Sion Farm being paid, was restricted to "BAY 1", or have any language excluding any other Bays at the Sion Farm location.

Response:

Admitted that the language of the documents in Exhibits 1 and 2 speak for themselves. Deny that the language reflects anything with regard to rent for Bays 5 and 8, but rather confirms that the rent calculations for Bay 1 were based upon a percentage -of -sales formula, whereas the rent for Bays 5 and 8 were a straight per -square foot rates multiplied by the square footage for the specific times.

As discussed in prior filings regarding Admissions, they must be answered "admitted" or "denied" or "cannot answer because.....after reasonable inquiry" and anything that is not one of those three responses requires a valid objection. **Failure to answer within the time period is an automatic admission.**

Among the *very clear not-valid-objections* (absent a MPO) is: "the document says what is says". Yusuf has not admitted or denied, and has thus admitted.

ONCE AGAIN, YOU SEEM TO CONFUSE RFAS WITH DISCOVERY SEEKING INFORMATION. "REQUESTS FOR ADMISSIONS ARE NOT A DISCOVERY DEVICE" AND THUS THE PURPOSE OF REQUESTS FOR ADMISSIONS IS NOT TO SEEK NEW INFORMATION **BUT RATHER TO NARROW THE SCOPE OF ISSUES TO BE LITIGATED** AND TO THEREBY EXPEDITE THE LITIGATION PROCESS. CITING EEO V. BABY PRODUCTS CO., 89 F.R.D. 129, 130 (E.D. MICH. 1981) AND KENDRICK V. SULLIVAN, CIV. A. NO. 83-3175, 1992 WL 119125, AT *3 (D.D.C. MAY 15, 1992).

Sincerely,

A handwritten signature in black ink, appearing to read "Carl J. Hartmann", with a long horizontal flourish extending to the right.

Carl J. Hartmann