

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

WALEED HAMED, as Executor of the)	
Estate of MOHAMMAD HAMED,)	
)	
Plaintiff/Counterclaim Defendant,	)	CIVIL NO. SX-12-CV-370
v.)	
)	
FATHI YUSUF and UNITED CORPORATION,	)	ACTION FOR INJUNCTIVE
	)	RELIEF, DECLARATORY
Defendants/Counterclaimants,	)	JUDGMENT, AND
v.	)	PARTNERSHIP DISSOLUTION,
	)	WIND UP, AND ACCOUNTING
)	
WALEED HAMED, WAHEED HAMED,)	
MUFEED HAMED, HISHAM HAMED, and)	
PLESSEN ENTERPRISES, INC.,)	
)	
<u>Additional Counterclaim Defendants.</u>	)	Consolidated With
WALEED HAMED, as Executor of the)	
Estate of MOHAMMAD HAMED,)	
	)	CIVIL NO. SX-14-CV-287
Plaintiff,)	
v.	)	ACTION FOR DAMAGES AND
	)	DECLARATORY JUDGMENT
UNITED CORPORATION,)	
)	
Defendant.)	
WALEED HAMED, as Executor of the)	
Estate of MOHAMMAD HAMED,	)	CIVIL NO. SX-14-CV-278
)	
Plaintiff,	)	ACTION FOR DEBT AND
v.	)	CONVERSION
)	
FATHI YUSUF,)	
)	
Defendant.)	
FATHI YUSUF and)	
UNITED CORPORATION,	)	CIVIL NO. ST-17-CV-384
)	
Plaintiffs,	)	ACTION TO SET ASIDE
v.	)	FRAUDULENT TRANSFERS
)	
THE ESTATE OF MOHAMMAD HAMED,)	
Waleed Hamed as Executor of the Estate of)	
Mohammad Hamed, and)	
THE MOHAMMAD A. HAMED LIVING)	
TRUST,)	
)	
Defendants.)	

DUDLEY, TOPPER
AND FEUERZEIG, LLP

1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, U.S. V.I. 00804-0756
(340) 774-4422

**FATHI YUSUF AND UNITED CORPORATION'S MOTION FOR A LETTER
ROGATORY**

Defendants/Counterclaimants Fathi Yusuf (“Yusuf”) and United Corporation (“United”) (collectively, the “Defendants”), through their undersigned attorneys, respectfully move the Honorable Edgar D. Ross (the “Master”) to issue a Letter Rogatory to the appropriate authorities in the State of Florida to permit the issuance of a subpoena *duces tecum* to compel the appearance of the Records Custodian of MRW Consulting Group, LLP (“MRW”) in Broward County, Florida, and in support, state as follows:

1. On September 18, 2014, Judge Douglas A. Brady entered an “Order Appointing Master” in this case. The Master was appointed to oversee and act as the judicial supervision of the wind up efforts of the Liquidating Partner. This appointment was further recognized in Section 2 of the Final Wind Up Plan Of the Plaza Extra Partnership dated January 7, 2015, which was approved by the Order Adopting Final Wind Up Plan dated January 7, 2015.

2. On July 21, 2017, Judge Douglas A. Brady entered an “Order Re Discovery,” which, among other things, “ORDERED that the Master is empowered to establish and enforce a plan for conducting further discovery in this matter and to hear and resolve all disputes related thereto.”

3. On January 29, 2018, the Master approved the Joint Discovery and Scheduling Plan submitted by the parties on January 12, 2018 and discovery is proceeding thereunder.

4. Defendants require certain documents from MRW to support their claims and defenses in this matter. A deposition may later be required depending on MRW’s production of documents.

5. The state of Florida has not adopted the Uniform Interstate Depositions and Discovery Act.

6. Accordingly, in order for Defendants to serve a valid Florida subpoena *duces tecum* on MRW, this Court first must execute a Letter Rogatory requesting the appropriate authority in Broward County, Florida, to issue or permit the issuance of that subpoena.

7. This Court is authorized to issue such a Letter Rogatory for a subpoena *duces tecum* outside the Territory by V.I. Code Ann. tit. 5, § 4921(3).

8. Defendants propose that MRW be compelled to appear at Esquire Deposition Services, 515 E. Las Olas Blvd., Suite 1300, Ft. Lauderdale, Florida 33301, on Friday, July 6, 2018¹, at 10:00 a.m. EST pursuant to a subpoena *duces tecum* substantially similar to the one attached to the Notice of Intent to Serve Subpoenas attached as **Exhibit 1**, but formatted for Broward County, Florida.

9. Pursuant to V.I. Code Ann. tit. 5, § 4921(b), a Letter Rogatory by this Court “shall be issued after notice and application to the court, and on terms that are just and appropriate.”

10. The proposed location, date, time and the requested production of documents constitute just and appropriate terms for the requested subpoena *duces tecum*.

11. Defendants respectfully request that this Court issue a Letter Rogatory in the form attached hereto requesting the appropriate authority in Broward County to issue, or permit the issuance of, a subpoena *duces tecum* of MRW. A proposed order is respectfully submitted herewith for the Court’s consideration.

WHEREFORE, Defendants/Counterclaimants Fathi Yusuf and United Corporation respectfully request that the Master grant this motion and issue the Letter Rogatory, in the form attached hereto, for the issuance of a subpoena *duces tecum* to the Records Custodian of MRW Consulting Group, LLP, and award them such other relief as is just and proper.


¹ Given the time it may take to obtain the Letter Rogatory sought in this motion, Defendants are prepared to extend dates in order to accommodate the deponents and the parties.

Respectfully Submitted,

DUDLEY, TOPPER and FEUERZEIG, LLP

Dated: June 18, 2018

By:



Gregory H. Hodges (V.I. Bar No. 174)
Stefan B. Herpel (V.I. Bar No. 1019)
Charlotte K. Perrell (V.I. Bar No. 1281)
1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00804
Telephone: (340) 715-4405
Telefax: (340) 715-4400
E-mail: ghodges@dtflaw.com
E-mail: cparrell@dtflaw.com

Attorneys for Fathi Yusuf and United Corporation

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 18th day of June, 2018, I caused a true and exact copy of the foregoing motion to be served on the following by email:

Joel H. Holt, Esq.
LAW OFFICES OF JOEL H. HOLT
2132 Company Street
Christiansted, V.I. 00820
Email: holtvi.plaza@gmail.com

Carl Hartmann, III, Esq.
5000 Estate Coakley Bay, #L-6
Christiansted, VI 00820
Email: carl@carlhartmann.com

Mark W. Eckard, Esq.
Eckard, P.C.
P.O. Box 24849
Christiansted, VI 00824
Email: mark@markeckard.com

Jeffrey B.C. Moorhead, Esq.
C.R.T. Building
1132 King Street
Christiansted, VI 00820
E-mail: jeffreymlaw@yahoo.com

The Honorable Edgar D. Ross
Email: edgarrossjudge@hotmail.com

and via U.S. Mail to:

The Honorable Edgar D. Ross
Master
P.O. Box 5119
Kingshill, VI 00851

Alice Kuo
5000 Estate Southgate
Christiansted, VI 00820

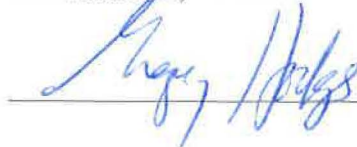


EXHIBIT 1

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

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

Plaintiff/Counterclaim Defendant,)

vs.)

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

vs.)

**WALEED HAMED, WAHEED HAMED,
MUFEED HAMED, HISHAM HAMED, and
PLESSEN ENTERPRISES, INC.,**)

Additional Counterclaim Defendants.)

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,
INJUNCTIVE RELIEF
AND DECLARATORY RELIEF

JURY TRIAL DEMANDED

NOTICE OF INTENT TO SERVE SUBPOENAS

To: Joel H. Holt, Esq.
LAW OFFICES OF JOEL H. HOLT
2132 Company Street
Christiansted, V.I. 00820
Email: holtvi@aol.com

Carl Hartmann, III, Esq.
5000 Estate Coakley Bay, #L-6
Christiansted, VI 00820
Email: carl@carlhartmann.com

Mark W. Eckard, Esq.
Eckard, P.C.
P.O. Box 24849
Christiansted, VI 00824
Email: mark@markeckard.com

Jeffrey B.C. Moorhead, Esq.
C.R.T. Building
1132 King Street
Christiansted, VI 00820
E-mail: jeffreymlaw@yahoo.com

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**
1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, U.S. V.I. 00804-0756
(340) 774-4422

PLEASE TAKE NOTICE that Defendants/Counterclaimants Fathi Yusuf (“Yusuf”) and United Corporation (“United”) (collectively, the “Defendants”), through their undersigned attorneys, on June 7, 2018, or as soon thereafter as service may be effectuated, will have the Subpoenas Duces Tecum attached hereto as Exhibit “A”¹, served upon the following non-parties, for the production of the items listed in said Subpoenas, allowing, in lieu of appearance, the production of the documents requested on or before the date, time and place set forth therein:

Pamela Colon, Esquire Law Offices of Pamela Lynn Colon, LLC 27 & 28 King Cross Street, 1st Floor St. Croix, VI 00820	Gordon Rhea, Esquire Richardson, Patrick, Westbrook & Brickman, LLC 11 A Norre Gade St. Thomas, VI 00802
Randall Andreozzi Andreozzi Bluestein LLP (former Andreozzi Fickess, LLP) 9145 Main Street Clarence, NY 14031	Records Custodian, Freed Maxick 424 Main St. Suite 800 Buffalo, NY 14202
Records Custodian, RSM McGladrey Liberty Building, Suite 800 424 Main St. Buffalo, NY 14202	Records Custodian, MRW Consulting Group, LLP 320 Davie Boulevard Ft. Lauderdale, FL 33315

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**
1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, U.S. V.I. 00804-0756
(340) 774-4422


¹ The format of the subpoenas to be served outside of the Virgin Islands may be modified to comply with the applicable Florida statutes and the Uniform Interstate Depositions and Discovery Act adopted in New York (NY CPLR § 3119 (2016)).

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Civil No. SX-12-CV-370
Notice of Intent to Serve Subpoenas
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Respectfully submitted,

DUDLEY, TOPPER and FEUERZEIG, LLP

DATED: May 31, 2018

By: 
Gregory H. Hodges (V.I. Bar No. 174)
Charlotte K. Perrell (V.I. Bar No. 1281)
1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00804
Telephone: (340) 715-4405
Telefax: (340) 715-4400
E-mail: ghodges@dtflaw.com
E-mail: cparrell@dtflaw.com

Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2018, I caused the foregoing Notice of Intent to Serve Subpoenas Duces Tecum to be served upon the following via e-mail:

Joel H. Holt, Esq.
LAW OFFICES OF JOEL H. HOLT
2132 Company Street
Christiansted, V.I. 00820
Email: holtvi@aol.com

Carl Hartmann, III, Esq.
5000 Estate Coakley Bay, #L-6
Christiansted, VI 00820
Email: carl@carlhartmann.com

Mark W. Eckard, Esq.
Eckard, P.C.
P.O. Box 24849
Christiansted, VI 00824
Email: mark@markeckard.com

Jeffrey B.C. Moorhead, Esq.
C.R.T. Building
1132 King Street
Christiansted, VI 00820
E-mail: jeffreymlaw@yahoo.com

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

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St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

Hamed v. Yusuf, et al.
Civil No. SX-12-CV-370
Notice of Intent to Serve Subpoenas
Page 4

The Honorable Edgar D. Ross
Email: edgarrossjudge@hotmail.com

and via U.S. Mail to:

The Honorable Edgar D. Ross
Master
P.O. Box 5119
Kingshill, VI 00851

Alice Kuo
5000 Estate Southgate
Christiansted, VI 00820

A handwritten signature in black ink, appearing to be "Alice Kuo", written over a horizontal line.

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

1000 Frederiksborg Gade

P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

(340) 774-4422

EXHIBIT A

SUBPOENA DUCES TECUM

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

**Waleed Hamed, as the Executor of the Estate of
Mohammed Hamed,**

Plaintiff/Counterclaim Defendant,

v.

Fathi Yusuf and United Corporation,

Defendants/Counterclaimants,

v.

**Waleed Hamed, Waheed Hamed, Mufeed Hamed,
Hisham Hamed, and Plessen Enterprises, Inc.,**

Additional Counterclaim Defendants.

Case No. SX-12-CV-370

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

JURY TRIAL DEMANDED

TO: Records Custodian, MRW Consulting Group, LLP
ADDRESS: 320 Davie Boulevard
Ft. Lauderdale, FL 33315

You are hereby subpoenaed to appear at Esquire Deposition Services, 515 E. Las Olas Blvd, Suite 1300, Ft. Lauderdale, FL 33301 at **10:00 a.m.** on Friday, **June 29, 2018**, to give evidence in the cause of action captioned above on behalf of Fathi Yusuf and United Corporation, and to bring with you the documents identified in the attached Exhibit A.

****NOTE: DOCUMENTS ONLY WILL BE REQUIRED. YOU MAY COMPLY WITH THIS SUBPOENA DUCES TECUM BY PRODUCING THE REFERENCED DOCUMENTS ON OR BEFORE THE ABOVE-STATED DATE.**

Dated: **5/31/18**

By:



Gregory H. Hodges (V.I. Bar No. 174)
Charlotte K. Perrell (V.I. Bar No. 1281)
1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00804
Telephone: (340) 715-4405
Telefax: (340) 715-4400
E-mail: ghodges@dtflaw.com
E-mail: eparrell@dtflaw.com

Attorneys for Defendants Fathi Yusuf and United Corporation

RETURN OF SERVICE

I personally served the within subpoena duces tecum by delivering a copy to _____

Process Server

Dated: _____ By: _____ (Name)

RETURN OF SERVICE

This is to certify that _____ cannot be found in this jurisdiction.

Process Server

Dated: _____ By: _____ (Name)

RETURN OF SERVICE

I hereby certify that I served the within subpoena duces tecum by leaving a copy at _____, the usual place of abode, with _____, a member of his/her family over the age of 14 years, then residing with him/her.

Process Server

Dated: _____ By: _____ (Name)

Virgin Islands Rule of Civil Procedure 45(d) and (e)

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the division where the action is pending must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the division where the action is pending for an order compelling production or inspection.
(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the division where the action is pending must quash or modify a subpoena that:

- (i) fail to allow a reasonable time to comply;
(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
(iv) subjects a person to undue burden.
(B) When Permitted. To protect a person subject to or affected by a subpoena, the court where the action is pending may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or
(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under

specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

EXHIBIT A

DEFINITION

The term "document" is used in its broadest sense and includes all original written, recorded or graphic items of every kind whatsoever and copies thereof including, but not limited to: agreements, forms, applications, contracts and memoranda of understandings; assignments; licenses, correspondence and communications, including intra-company correspondence and communications; cablegrams, SMS text messages, telex messages, social media messages (i.e. Facebook, Twitter), email, facsimiles, radiograms and telegrams; reports, notes and memoranda; summaries, minutes and records of telephone conversations, meetings and conferences, including lists of persons attending meetings or conferences; summaries and records of personal conversations and interviews; books, manuals, publications, and diaries; technical, laboratory and engineering reports, data sheets and notebooks; charts; plans; sketches and drawings; photographs, motion pictures; audio and video tapes and disks; computer printouts; computer software; models and mockups; reports and/or summaries of investigations; opinions and reports of experts and consultants; opinions of counsel; sales records, including purchase orders, order acknowledgments and invoices; books of account; statements, bills, checks and vouchers; reports and summaries of negotiations; brochures; pamphlets; catalogs and catalog sheets, sales literature and sales promotion materials, advertisements; displays; circulars, trade letters, notices and announcements; press, publicity, trade and product releases; drafts or originals of, or preliminary notes on, and marginal comments appearing on, any document; all documents kept by photographic, electronic or mechanical means including but not limited to the contents of computer memory and hard disks; other reports and records; and any other information-containing paper writing or physical thing.

DOCUMENTS TO BE PRODUCED:

1. Produce all invoices and any documents evidencing, referencing or relating to the payment of such invoices for any and all services rendered by any of the following attorneys or law firms:
 - a. Gordon Rhea,
 - b. Richardson, Patrick, Westbrook & Brickman, LLC,
 - c. Randall Andreozzi,
 - d. Andreozzi Fickless, LLP,
 - e. Andreozzi, Bluestein, Fickess, Muhlbauer, Weber, Brown LLP,
 - f. Andreozzi Bluestein, LLP, and
 - g. Pamela Colon,

for the attorney's or law firm's representation of Waleed Mohammed Hamed or Waheed Mohammed Hamed, including all associated costs, expenses, expert fees and consultant fees, including but not limited to fees paid to any of the following persons or entities:

- h. FreedMaxick, CPA's,
- i. RSM McGladrey,
- j. Leon Freidman,
- k. MRW Consulting Group,
- l. Pratts – Thomas Walker, and
- m. Eugene Benton,

for the period September 17, 2006 to the present, which were paid, directly or indirectly, by United Corporation or through escrow accounts or other accounts controlled or directed by Andreozzi Fickess, LLP, Andreozzi, Bluestein, Fickess, Muhlbauer Weber, Brown LLP, Andreozzi Bluestein, LLP, Richardson, Patrick, Westbrook & Brickman, LLC or any other person or entity (collectively hereafter, the "United Payments") in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters.

2. Produce all fee agreements, contracts for services, retainer agreements, escrow agent service agreements and any other agreements reflecting an obligation to pay invoices for any and all services performed by any of the following attorneys or law firms:
 - a. Gordon Rhea,
 - b. Richardson, Patrick, Westbrook & Brickman, LLC,
 - c. Randall Andreozzi,
 - d. Andreozzi Fickless, LLP,
 - e. Andreozzi, Bluestein, Fickess, Muhlbauer, Weber, Brown LLP,
 - f. Andreozzi Bluestein, LLP, and
 - g. Pamela Colon,

for representation of Waleed Mohammed Hamed and Waheed Mohammed Hamed for the period September 17, 2006 to the present, in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters.

3. Produce all documents evidencing, referencing or relating to any increase in the hourly rates during the course of the representation from the initial rate charged for any and all services performed by any of the following attorneys or law firms:
 - a. Gordon Rhea,
 - b. Richardson, Patrick, Westbrook & Brickman, LLC,
 - c. Randall Andreozzi,
 - d. Andreozzi Fickless, LLP,
 - e. Andreozzi, Bluestein, Fickess, Muhlbauer, Weber, Brown LLP,
 - f. Andreozzi Bluestein, LLP, and
 - g. Pamela Colon,

for representation of Waleed Mohammed Hamed and Waheed Mohammed Hamed for the period September 17, 2006 to the present, in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters.

4. Produce all documents evidencing, referencing or relating to any entries for "File management" for any and all services performed by any of the following attorneys or law firms:
 - a. Gordon Rhea,
 - b. Richardson, Patrick, Westbrook & Brickman, LLC,
 - c. Randall Andreozzi,
 - d. Andreozzi Fickless, LLP,
 - e. Andreozzi, Bluestein, Fickess, Muhlbauer, Weber, Brown LLP,
 - f. Andreozzi Bluestein, LLP, and
 - g. Pamela Colon,

for representation of Waleed Mohammed Hamed and Waheed Mohammed Hamed for the period September 17, 2006 to the present, in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters.

5. Produce all notations, notes, drafts, attorney work product or other writings created by any of the attorneys or law firms referred to in Paragraph 1(a-g) above, or their respective staff, in the course of the law firm's or attorney's representation of Waleed Mohammed Hamed or Waheed Mohammed Hamed for the period September 17, 2006 to the present, in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters paid with United Payments, as that term is defined in Paragraph 1.
6. Produce all written correspondence (including emails) to or from any of the attorneys or law firms referred to in Paragraph 1(a-g) above, or their respective staff, that relate to the attorney's or law firm's representation of Waleed Mohammed Hamed and Waheed for the period September 17, 2006 to the present, in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters paid with United Payments, as that term is defined in Paragraph 1.
7. Produce all work product included by not limited to notations, notes, drafts, work papers, compilations or other writings created by any person or entity referred to in Paragraph 1(h-m) for any of the attorneys or law firms referred to in Paragraph 1(a-g) above, for the period September 17, 2006 to the present, in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters paid with United Payments, as that term is defined in Paragraph 1 or by Gordan Rhea or Pam Colon.
8. Produce all written correspondence (including emails) to or from any person or entity referred to in Paragraph 1(h-m) in connection with *United States v. Yusuf et al*, District

Court of the U.S. Virgin Islands, 2005-15 and any other matters paid with United Payments, as that term is defined in Paragraph 1 or by Gordan Rhea or Pam Colon for the period September 17, 2006 to the present.

**7IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

WALEED HAMED, as Executor of the)	
Estate of MOHAMMAD HAMED,)	
)	
Plaintiff/Counterclaim Defendant,	)	CIVIL NO. SX-12-CV-370
v.)	
)	
FATHI YUSUF and UNITED CORPORATION,	)	ACTION FOR INJUNCTIVE
	)	RELIEF, DECLARATORY
Defendants/Counterclaimants,)	JUDGMENT, AND
v.)	PARTNERSHIP DISSOLUTION,
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WALEED HAMED, WAHEED HAMED,)	
MUFEED HAMED, HISHAM HAMED, and)	
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<u>Additional Counterclaim Defendants.</u>)	Consolidated With
WALEED HAMED, as Executor of the)	
Estate of MOHAMMAD HAMED,)	
)	CIVIL NO. SX-14-CV-287
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v.)	ACTION FOR DAMAGES AND
)	DECLARATORY JUDGMENT
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WALEED HAMED, as Executor of the)	
Estate of MOHAMMAD HAMED,)	CIVIL NO. SX-14-CV-278
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<u>Defendant.</u>)	
FATHI YUSUF and)	
UNITED CORPORATION,)	CIVIL NO. ST-17-CV-384
)	
Plaintiffs,)	ACTION TO SET ASIDE
v.	)	FRAUDULENT TRANSFERS
)	
THE ESTATE OF MOHAMMAD HAMED,)	
Waleed Hamed as Executor of the Estate of)	
Mohammad Hamed, and)	
THE MOHAMMAD A. HAMED LIVING)	
TRUST,)	
)	
Defendants.)	
)	

ORDER

THIS MATTER having come before the Master on Defendants/Counterclaimants Fathi Yusuf's and United Corporation's Motion For A Letter Rogatory ("Motion"), and the Master being otherwise fully advised in the premises, it is hereby

ORDERED that the Motion is **GRANTED**; and it is further

ORDERED that the Letter Rogatory be issued in the form attached hereto requesting the appropriate official in Broward County, Florida to issue or authorize the issuance of a subpoena *duces tecum* to the Records Custodian of MRW Consulting Group, LLP at the place, date and time specified in the Letter Rogatory.

ENTERED this _____ day of _____, 2018.

Edgar D. Ross
Master

A T T E S T:

Estrella George
Clerk of Court

By: _____
Deputy Clerk

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

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

Plaintiff/Counterclaim Defendant,)

v.)

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

v.)

WALEED HAMED, WAHEED HAMED,)
MUFEED HAMED, HISHAM HAMED, and)
PLESSEN ENTERPRISES, INC.,)

Additional Counterclaim Defendants.)

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

Plaintiff,)

v.)

UNITED CORPORATION,)

Defendant.)

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

Plaintiff,)

v.)

FATHI YUSUF,)

Defendant.)

FATHI YUSUF and)
UNITED CORPORATION,)

Plaintiffs,)

v.)

THE ESTATE OF MOHAMMAD HAMED,)
Waleed Hamed as Executor of the Estate of)
Mohammad Hamed, and)
THE MOHAMMAD A. HAMED LIVING)
TRUST,)

Defendants.)

CIVIL NO. SX-12-CV-370

ACTION FOR INJUNCTIVE
RELIEF, DECLARATORY
JUDGMENT, AND
PARTNERSHIP DISSOLUTION,
WIND UP, AND ACCOUNTING

Consolidated With

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES AND
DECLARATORY JUDGMENT

CIVIL NO. SX-14-CV-278

ACTION FOR DEBT AND
CONVERSION

CIVIL NO. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

LETTER ROGATORY

To the Appropriate Authority in Broward County, Florida:

The above-captioned action is pending between the above-entitled parties, and justice cannot be completely done between said parties without the issuance of a subpoena *duces tecum* to the Records Custodian of MRW Consulting Group, LLP, which is located at 320 Davie Boulevard, Ft. Lauderdale, Florida 33315, within your jurisdiction.

It appears to this Court that a just determination of the issues in this lawsuit requires the issuance of a subpoena *duces tecum* to the Records Custodian of MRW Consulting Group, LLP. This Court therefore requests, in the furtherance of justice, by the proper and usual processes of your Court, that the Records Custodian of MRW Consulting Group, LLP be required to appear and produce records pursuant to a subpoena *duces tecum* at Esquire Deposition Services, 515 E. Las Olas Blvd., Suite 1300, Ft. Lauderdale, Florida 33301, on Friday, July 6, 2018, at 10:00 a.m. EST and that the Records Custodian of MRW Consulting Group, LLP be required to bring with him/her any and all documents identified in the subpoena *duces tecum* attached hereto which has been formatted for Broward County Florida.

It is therefore requested that your Court assist this Court in serving the interests of justice by causing or authorizing the issuance of a subpoena *duces tecum* upon the Records Custodian of MRW Consulting Group, LLP upon the terms set forth above.

ENTERED this ____ day of June, 2018.

Edgar D. Ross
Master

A T T E S T:
Estrella George
Clerk of Court

By: _____
Deputy Clerk

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

Waleed Hamed, as the Executor of the Estate of
Mohammed Hamed,

Plaintiff/Counterclaim Defendant,

v.

Fathi Yusuf and United Corporation,

Defendants/Counterclaimants,

v.

Waleed Hamed, Waheed Hamed, Mufeed Hamed,
Hisham Hamed, and Plessen Enterprises, Inc.,

Additional Counterclaim Defendants.

Case No. SX-12-CV-370

ACTION FOR DAMAGES,
INJUNCTIVE RELIEF AND
DECLARATORY RELIEF

JURY TRIAL DEMANDED

SUBPOENA FOR PRODUCTION OF DOCUMENTS FROM NONPARTY

THE STATE OF FLORIDA

TO: **Records Custodian, MRW Consulting Group, LLP**
ADDRESS: 320 Davie Boulevard
Ft. Lauderdale, FL 33315

You must go to Esquire Deposition Services, 515 E. Las Olas Blvd, Suite 1300, Ft. Lauderdale, FL 33301, on Friday, **July 6, 2018 at 10:00 a.m.** and bring with you at that time and place the documents identified in the attached Exhibit A. These items will be inspected and may be copied at that time. You will not have to leave the original items.

You may obey this subpoena by providing readable copies of the items to be produced to the party or his/her attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon payment in advance of the reasonable cost of preparation. If you mail or deliver the copies to the attorney whose name appears on the subpoena before the date indicated above, you do not have to appear in person.

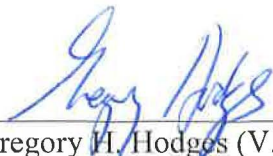
You may be in contempt of court if you fail to: (1) appear as specified; (2) furnish the records instead of appearing as provided above; or (3) object to this subpoena.

You can only be excused by the person whose name appears on this subpoena and, unless excused by that person or the Court, you shall respond as directed.

DUDLEY, TOPPER and FEUERZEIG, LLP

Dated: _____

By: _____



Gregory H. Hodges (V.I. Bar No. 174)
Charlotte K. Perrell (V.I. Bar No. 1281)
1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00804
Telephone: (340) 774-4422
Telefax: (340) 715-4400
E-mail: ghodges@dtflaw.com
E-mail: cparrell@dtflaw.com

CLERK OF THE CIRCUIT COURT
(SEAL)

By: _____
Deputy Clerk

Attorneys for Defendants Fathi Yusuf and United Corporation

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Charlotte Perrell, Esquire, 1000 Frederiksberg Gade, St. Thomas, VI 00802, (340) 774-4422 within 2 working days of your receipt of this subpoena. If you are hearing or voice impaired, call TDD 1-800-955-8771.

RETURN OF SERVICE

I personally served the within subpoena *duces tecum* by delivering a copy to _____

Process Server

Dated: _____ By: _____ (Name)

RETURN OF SERVICE

This is to certify that _____ cannot be found in this jurisdiction.

Process Server

Dated: _____ By: _____ (Name)

RETURN OF SERVICE

I hereby certify that I served the within subpoena *duces tecum* by leaving a copy at _____, the usual place of abode, with _____, a member of his/her family over the age of 14 years, then residing with him/her.

Process Server

Dated: _____ By: _____ (Name)

Virgin Islands Rule of Civil Procedure 45(d) and (e)

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the division where the action is pending must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney’s fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the division where the action is pending for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the division where the action is pending must quash or modify a subpoena that:

- (i) fail to allow a reasonable time to comply;
(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court where the action is pending may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or
(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under

specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

EXHIBIT A

DEFINITION

The term "document" is used in its broadest sense and includes all original written, recorded or graphic items of every kind whatsoever and copies thereof including, but not limited to: agreements, forms, applications, contracts and memoranda of understandings; assignments; licenses, correspondence and communications, including intra-company correspondence and communications; cablegrams, SMS text messages, telex messages, social media messages (i.e. Facebook, Twitter), email, facsimiles, radiograms and telegrams; reports, notes and memoranda; summaries, minutes and records of telephone conversations, meetings and conferences, including lists of persons attending meetings or conferences; summaries and records of personal conversations and interviews; books, manuals, publications, and diaries; technical, laboratory and engineering reports, data sheets and notebooks; charts; plans; sketches and drawings; photographs, motion pictures; audio and video tapes and disks; computer printouts; computer software; models and mockups; reports and/or summaries of investigations; opinions and reports of experts and consultants; opinions of counsel; sales records, including purchase orders, order acknowledgments and invoices; books of account; statements, bills, checks and vouchers; reports and summaries of negotiations; brochures; pamphlets; catalogs and catalog sheets, sales literature and sales promotion materials, advertisements; displays; circulars, trade letters, notices and announcements; press, publicity, trade and product releases; drafts or originals of, or preliminary notes on, and marginal comments appearing on, any document; all documents kept by photographic, electronic or mechanical means including but not limited to the contents of computer memory and hard disks; other reports and records; and any other information-containing paper writing or physical thing.

DOCUMENTS TO BE PRODUCED:

1. Produce all invoices and any documents evidencing, referencing or relating to the payment of such invoices for any and all services rendered by any of the following attorneys or law firms:
 - a. Gordon Rhea,
 - b. Richardson, Patrick, Westbrook & Brickman, LLC,
 - c. Randall Andreozzi,
 - d. Andreozzi Fickless, LLP,
 - e. Andreozzi, Bluestein, Fickless, Muhlbauer, Weber, Brown LLP,
 - f. Andreozzi Bluestein, LLP, and
 - g. Pamela Colon,

for the attorney's or law firm's representation of Waleed Mohammed Hamed or Waheed Mohammed Hamed, including all associated costs, expenses, expert fees and consultant fees, including but not limited to fees paid to any of the following persons or entities:

- h. FreedMaxick, CPA's,
- i. RSM McGladrey,
- j. Leon Freidman,
- k. MRW Consulting Group,
- l. Pratts – Thomas Walker, and
- m. Eugene Benton,

for the period September 17, 2006 to the present, which were paid, directly or indirectly, by United Corporation or through escrow accounts or other accounts controlled or directed by Andreozzi Fickess, LLP, Andreozzi, Bluestein, Fickess, Muhlbauer Weber, Brown LLP, Andreozzi Bluestein, LLP, Richardson, Patrick, Westbrook & Brickman, LLC or any other person or entity (collectively hereafter, the "United Payments") in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters.

2. Produce all fee agreements, contracts for services, retainer agreements, escrow agent service agreements and any other agreements reflecting an obligation to pay invoices for any and all services performed by any of the following attorneys or law firms:
 - a. Gordon Rhea,
 - b. Richardson, Patrick, Westbrook & Brickman, LLC,
 - c. Randall Andreozzi,
 - d. Andreozzi Fickless, LLP,
 - e. Andreozzi, Bluestein, Fickess, Muhlbauer, Weber, Brown LLP,
 - f. Andreozzi Bluestein, LLP, and
 - g. Pamela Colon,

for representation of Waleed Mohammed Hamed and Waheed Mohammed Hamed for the period September 17, 2006 to the present, in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters.

3. Produce all documents evidencing, referencing or relating to any increase in the hourly rates during the course of the representation from the initial rate charged for any and all services performed by any of the following attorneys or law firms:
 - a. Gordon Rhea,
 - b. Richardson, Patrick, Westbrook & Brickman, LLC,
 - c. Randall Andreozzi,
 - d. Andreozzi Fickless, LLP,
 - e. Andreozzi, Bluestein, Fickess, Muhlbauer, Weber, Brown LLP,
 - f. Andreozzi Bluestein, LLP, and
 - g. Pamela Colon,

for representation of Waleed Mohammed Hamed and Waheed Mohammed Hamed for the period September 17, 2006 to the present, in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters.

4. Produce all documents evidencing, referencing or relating to any entries for "File management" for any and all services performed by any of the following attorneys or law firms:
 - a. Gordon Rhea,
 - b. Richardson, Patrick, Westbrook & Brickman, LLC,
 - c. Randall Andreozzi,
 - d. Andreozzi Fickless, LLP,
 - e. Andreozzi, Bluestein, Fickless, Muhlbauer, Weber, Brown LLP,
 - f. Andreozzi Bluestein, LLP, and
 - g. Pamela Colon,

for representation of Waleed Mohammed Hamed and Waheed Mohammed Hamed for the period September 17, 2006 to the present, in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters.

5. Produce all notations, notes, drafts, attorney work product or other writings created by any of the attorneys or law firms referred to in Paragraph 1(a-g) above, or their respective staff, in the course of the law firm's or attorney's representation of Waleed Mohammed Hamed or Waheed Mohammed Hamed for the period September 17, 2006 to the present, in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters paid with United Payments, as that term is defined in Paragraph 1.
6. Produce all written correspondence (including emails) to or from any of the attorneys or law firms referred to in Paragraph 1(a-g) above, or their respective staff, that relate to the attorney's or law firm's representation of Waleed Mohammed Hamed and Waheed for the period September 17, 2006 to the present, in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters paid with United Payments, as that term is defined in Paragraph 1.
7. Produce all work product included by not limited to notations, notes, drafts, work papers, compilations or other writings created by any person or entity referred to in Paragraph 1(h-m) for any of the attorneys or law firms referred to in Paragraph 1(a-g) above, for the period September 17, 2006 to the present, in connection with *United States v. Yusuf et al*, District Court of the U.S. Virgin Islands, 2005-15 and any other matters paid with United Payments, as that term is defined in Paragraph 1 or by Gordan Rhea or Pam Colon.
8. Produce all written correspondence (including emails) to or from any person or entity referred to in Paragraph 1(h-m) in connection with *United States v. Yusuf et al*, District

Court of the U.S. Virgin Islands, 2005-15 and any other matters paid with United Payments, as that term is defined in Paragraph 1 or by Gordan Rhea or Pam Colon for the period September 17, 2006 to the present.