



for Hamed or his family members as received by Yusuf or his family members, pending declaration from the Court as to the full scope of the Partnership of the parties, including each partner's duties and responsibilities, as well as the benefits due each and benefits to United and its shareholders. The Motion, Response and the Master's Order all refer to Hamed's Claim H-13 seeking reimbursement for payment of income taxes of Waleed and Waheed Hamed for specified years, in light of reimbursement to Yusuf family members, shareholders of United, for specified income taxes paid.

On November 7, 2014, Order granting partial summary judgment was entered, finding and declaring that an oral partnership of Hamed and Yusuf had been formed for the ownership and operation of the Plaza Extra stores, with each partner having a 50% ownership interest in all partnership assets and profits, and a 50% obligation as to all losses and liabilities. Memorandum Opinion and Order granting preliminary **injunction** entered April 25, 2013 included findings of fact that initially Hamed and Yusuf jointly managed the first Plaza Extra store, with Hamed in charge of receiving, warehouse and produce, and Yusuf in charge of "the office," such that Hamed was completely removed from the financial aspects of the business. Subsequently, Hamed and Yusuf continued joint management of the stores with one member of the Hamed family and one member of the Yusuf family co-managing each store.


Despite the foregoing, no findings have been made detailing with specificity the duties, responsibilities, benefits and obligations of each partner, including whether any benefits are due United and its shareholders during the period relevant to the issues and claims being addressed by the Master. The determination of these issues may be a necessary prerequisite to the Master's ability to review and determine some of the claims of the partners, in order to report and recommend to the Court the appropriate distribution of partnership assets. Hamed's Motion asks the Court to direct the Master to address each partner's claims on the basis that each had equal rights to the same benefits and obligations in the partnership. In light of the foregoing, it is hereby

ORDERED that Hamed's Motion is denied to the extent that it asks the Court to declare and direct the Master on this record that each party has equal rights to the same benefits, or otherwise, regarding how to evaluate each partner's claims. It is further

ORDERED that the Master is directed to proceed to conduct such evidentiary proceedings as are deemed appropriate to make factual findings necessary to permit full consideration of the claims of the partners, including the determination of the duties, responsibilities, benefits and obligations of each partner, including whether any benefits are due United and its shareholders, in light of the partners' agreements, history and course of dealing; and to report and make recommendations regarding the claims and the distribution of partnership assets in light of such findings. It is further

ORDERED that Hamed and Yusuf and United shall advise the Court in writing, jointly or separately, within 14 days of the date of entry of this Order whether they will stipulate that the findings of fact of the Master will be final, or will be subject to review for clear error, or otherwise, pursuant to V.I. R. Civ. P 53(f)(3).

June 22, 2018

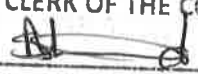
  
DOUGLAS A. BRADY, Judge

ATTEST:

ESTRELLA GEORGE  
Clerk of the Court

By:   
Court Clerk Supervisor

CERTIFIED A TRUE COPY

DATE: 6-25-18  
ESTRELLA H. GEORGE  
ACTING CLERK OF THE COURT  
BY:   
COURT CLERK II