

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

DUDLEY, TOPPER
AND FEUERZEIG, LLP

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

NOTICE OF DEPOSITION OF WALEED HAMED

PLEASE TAKE NOTICE that pursuant to V.I .R. Civ. P. 26, 30, and 34, defendant/counterclaimant Fathi Yusuf and United Corporation, through their undersigned attorneys, will take the deposition of Waleed Hamed at the offices of Dudley, Topper and Feuerzeig, LLP, 1000 Frederiksberg Gade, St. Thomas, Virgin Islands commencing at 9:00 a.m. on Friday, August 24, 2018 and continuing from that time until completed. ¹

The deposition will be by oral examination before a notary public or duly authorized officer and will be recorded by sound, video and stenographic means.

Pursuant to V.I.R. Civ. P. 30(b)(2) and 34, the deponent is requested to produce at such deposition all documents not previously produced that relate to, concern, or evidence any of the following:

1) ²

New Claim Number	Item No. in Original 8/30/16 Claim	Description	Total Amount of Claim
H-001	201	Reimbursement for sale of the Dorthea condo	\$802,966.00
H-002	355	\$2.7 million unilateral withdrawal from the Partnership account	\$2,784,706.25
H-004	356	2012-2013 Real Estate Taxes for Plaza Extra STT	\$89,443.92
H-005	272	Tutu Park Mall 2014 taxes & corresponding Partnership withdrawals by Fathi Yusuf	\$46,990.48
H-006	244	Reimbursement for Fathi Yusuf withdrawal related to Tutu Park rent payments	\$41,462.28

¹ Yusuf will withdraw this notice upon the approval of the proposed Amended Joint Discovery and Scheduling Plan as sought pursuant to the Unopposed Motion to Modify Joint Discovery and Scheduling Plan and Order Regarding Hamed Claim No. H-142 filed earlier today and will re-issue within the modified deadlines.

² The following lists of claims in item 1) and 2) were taken from Plaintiff's "Tracking of All 'Claims' ...Updated May 29, 2018."

H-007	248	KAC357, Inc. payment of invoices from J. David Jackson PC	\$832.50
New Claim Number	Item No. in Original 8/30/16 Claim	Description	Total Amount of Claim
H-008	256	David Jackson, CPA, bill owed for tax work done related to the Partnership's 2013 taxes	\$652.50
H-013	210	Hamed payment of taxes during criminal case	\$133,128.00
H-014	221	Unsubstantiated checks to NejeH Yusuf	\$14,756.00
H-015	242	NejeH Yusuf's cash withdrawals from safe	\$53,384.67
H-016	253	NejeH Yusuf's use of Partnership resources for his Private Businesses on STT	Discovery Needed
H-017	265	Wally Hamed's personal payment of accounting and attorneys' fees in United States of America v United Corp., et. al., VI D.Ct. 2005-cr-015	\$332,900.42
H-018	275	KAC357, Inc. payment of invoices from FreedMaxick	\$6,245.00
H-019	278	KAC357, Inc. payment of Partnership WAPA invoices	\$81,713.80
H-020	279	KAC357, Inc. payment of Partnership Tropical Shipping invoices	\$23,848.00
H-021	281	Payment of NejeH Yusuf credit card bill	\$49,715.05
H-022	290	NejeH Yusuf removed property belonging to KAC357	Discovery Needed
H-023	299	2015 Workers' Comp. payments for Plaza East	Discovery Needed
H-024	310	2015 Health permit payments for Plaza East	\$850.00
H-025	314	2015 Business license payment for Plaza East	Discovery Needed
H-026	316	Inventory moved from Plaza West to East after official inventory	Discovery Needed
H-027	319	BJ's Wholesale Club vendor credit	Discovery Needed
H-028	329	2015 Real Estate Tax for Plaza Extra-STT	\$12,652.39
H-029	331	2015 Insurance for St. Thomas Plaza Extra car	Discovery Needed
H-030	333	KAC357, Inc. payment of Partnership AT&T invoices	\$755.76
H-032	335	No credit for expired (spoiled) inventory discovered at Plaza Extra West	\$54,592.08
H-033	338	Merrill Lynch accounts that still existed in 2012 (ML 140-21722, ML 140-07884, and ML 140-07951) financed with Partnership funds	Discovery Needed
H-034	340	Rents collected from Triumphant church	\$3,900.00

New Claim Number	Item No. in Original 8/30/16 Claim	Description	Total Amount of Claim
H-035	343	KAC357, Inc.'s American Express payments deposited to Partnership account	\$12,272.67
H-036	345	Unclear UVI payment	\$293.00
H-037	353	Due to/from Fathi Yusuf	\$186,819.33
H-039	358	STT Tutu gift certificates	\$3,790.00
H-040	360	Approximately \$18 million in "purged" (i.e. missing) transactions in 2013	Discovery Needed
H-041	361	Payments to Caribbean Refrigeration & Mechanical LLC	\$95,420.20
H-042	363	Transactions with Miadden Plastic	\$49,565.00
H-043	364	Unclear General Ledger entry "Collection of Setallment [sic]"	\$42,969.98
H-044	365	Unclear General Ledger entries "Foreign taxes paid"	\$18,803.95
H-045	366	Unclear General Ledger entries POS charges for Seaside Market	\$11,659.90
H-046	367	Unclear General Ledger entries "change order" and "cash requisition"	\$26,510.17
H-047	369	Unclear General Ledger entries "credit card paid"	Discovery Needed
H-048	370	Unclear General Ledger entries "RDC Frozen Account"	\$350,000.00
H-049	371	Scotiabank Telecheck transfers were deposited in Partnership accounts	\$8,500,000.00
H-050	373	Unclear General Ledger entries regarding "return check mutilated"	\$83,800.00
H-051	374	Unclear General Ledger entry regarding "Cash - Transfer Clearing, Banco Proc Error re Xfer"	\$360,000.00
H-052	375	Unclear General Ledger entry regarding "2013 US Customs Exp Per Schedule"	\$9,916.18
H-053	376	Unclear General Ledger entries regarding Merrill Lynch	\$4,261,939.04
H-054	377	Unclear General Ledger entries regarding Daas corporate loan	\$327,500.00
H-055	378	Unclear General Ledger entries to "Due from (to) Yusuf"	\$693,242.00
H-056	380	Unclear what the reclassification of partnership income in 2013 and 2014 notation on the general ledger means	Discovery Needed

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

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

(340) 774-4422

H-057	381	Many general ledger entries are missing descriptions	\$1,026,856.36
New Claim Number	Item No. in Original 8/30/16 Claim	Description	Total Amount of Claim
H-058	383	Unclear general ledger entries regarding "nominal cash reconciliation"	\$4,312.57
H-059	384	Unclear general ledger entry "Accrue 2012 rent as directed by legal"	\$678,549.00
H-060	385	Partnership may have paid Fathi Yusuf's personal attorney's fees	\$14,995.26
H-061	386	Unclear general ledger entries regarding deposit adjustments	\$1,700,000.00
H-062	388	Unclear general ledger entries regarding due/to Shopping Center	\$900,000.00
H-063	390	Transactions with Alamnai Co.	\$37,629.00
H-064	391	Unclear general ledger entries regarding "Adjust due/to from"	\$241,558.05
H-065	392	Improper payments to Carol's newspaper distribution	\$1,697.00
H-066	393	Unclear general ledger entries regarding "Cash Reques"	\$6,500.00
H-067	394	Unclear general ledger entry regarding "AT&T MOBILITY"	\$2,949.65
H-068	396	Transactions with JKC Communication	\$13,389.04
H-069	397	Transactions with House of Printing	\$860.00
H-070	398	Transactions with Foampack	\$1,257.05
H-071	399	Unclear general ledger entries regarding "All Scotia Account Closures"	\$615,172.17
H-072	400	Unclear general ledger entries regarding "Fathi Yusuf matching draw"	\$1,288,602.64
H-073	401	Unclear general ledger entries regarding United Corporation	\$120,431.00
H-074	405	Numerous unexplained general ledger entries regarding Hamed	\$51,061.36
H-075	408	Unclear general ledger entry for \$176,353.61 dated 9/30/15	\$176,353.61
H-076	409	Unclear general ledger entries regarding transfers and closed accounts	\$837,554.23
H-077	410	Unclear general ledger entry regarding 50/50 distribution	\$165,000.00
H-078	411	Unclear general ledger entry regarding accrued accounting fees to complete 2015 year-end taxes	\$16,315.00

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

H-079	412	Unclear general ledger entry regarding accounting error for Tropical Shipping invoices	\$10,242.00
New Claim Number	Item No. in Original 8/30/16 Claim	Description	Total Amount of Claim
H-080	414	Unclear general ledger entry regarding adjust cash on hand to count on 3/11/15	\$24,934.18
H-081	415	Unclear general ledger entry regarding clearing Banco irregularities	\$8,481.58
H-082	416	Unclear general ledger entry regarding balance sheet balances closed for insurance items to expedite close	\$51,569.11
H-083	417	Unclear general ledger entries regarding clear misc Yusuf/Pship Due to/fr accounts	Discovery Needed
H-084	418	Unclear general ledger entry regarding United reimbursement to Hamed of 7/13 overpayment	\$38,667.81
H-085	419	Unclear general ledger entry regarding combined services inv dtd 2/24/15 paid on behalf of East	\$4,935.00
H-086	420	Unclear general ledger entry regarding CRA check 215 to reimburse KAC357 for STT deposit errors	Discovery Needed
H-087	421	Unclear general ledger entry regarding Daily (United C. CK)	Discovery Needed
H-088	422	Unclear general ledger entry regarding excess cash over \$50k per court order	\$44,399.63
H-089	423	Unclear general ledger entries regarding prepayment of insurance	\$139,230.53
H-090	425	2015 Accounts Payable-Trade to John Gaffney	\$1,544.33
H-091	427	2013 Accounts Payable-Trade to John Gaffney	\$1,214.10
H-092	428	Unclear general ledger entries regarding 2015 Accounts Payable-Trade to Maher Yusuf	\$1,866.39
H-093	430	Unclear Unsubstantiated check to Nejeh Yusuf	\$2,031.84
H-094	431	Unclear general ledger entry, Non-cash distribution to Yusuf	\$245,089.90
H-095	432	Unclear general ledger entry, North Western Selectra Inc.	\$4,524.24
H-096	433	Unclear general ledger entry, J Ortiz	\$1,250.00

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

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

(340) 774-4422

H-097	434	Unclear general ledger entries regarding St. Thomas petty cash	\$10,339.12
--------------	-----	--	-------------

New Claim Number	Item No. in Original 8/30/16 Claim	Description	Total Amount of Claim
H-098	436	Unclear general ledger entry regarding United Shopping Center payment of accounting fees for the Partnership	\$4,500.00
H-099	437	Unclear general ledger entry regarding United Shopping Center payment of legal fees for the Partnership	\$4,946.31
H-100	438	Transaction with Source Accounting	\$3,500.00
H-101	439	Unclear general ledger entry regarding St. Thomas 1.5% CR Reduction (FUTA) paid by West to United	\$12,346.17
H-102	440	Unclear general ledger entry regarding temporary adjustment for unreimbursed cash expenses during 2014/15	\$46,725.41
H-103	443	Unclear general ledger entry regarding price gun deposits	\$1,780.00
H-104	444	Unclear general ledger entries regarding 2013 Q3 VIESA deficiency, plus penalty and interest in 2005	\$9,385.95
H-105	445	Unclear general ledger entries regarding United Corporation	\$6,933.27
H-106	446	Unclear general ledger entries regarding United Corporation – FUTA	\$10,047.14
H-107	447	Unclear general ledger entry regarding United Corporation – Gift Certificates	\$2,630.00
H-108	449	Unclear general ledger entries regarding Industrial Video and Luxor Goods	\$9,803.00
H-109	450	Unclear general ledger entry regarding Hector Torres' invoice	\$2,000.00
H-110	451	Unclear general ledger entries for Ramone Reid Felix invoices	\$1,092.00
H-111	452	Unclear general ledger entries regarding Tasty Alternatives	\$30,721.00
H-112	453	Scotia Invoices	\$11,411.17
H-113	454	Lisette Colon's salary, benefits, bonuses and incidental expenses	\$6,215.44
H-114	455	Myra Senhouse's salary, benefits, bonuses and incidental expenses	\$2,259.41
H-115	456	Humphrey Caswell's salary, benefits, bonuses and travel and entertainment expenses	\$28,666.00

H-116	457	Unclear 2016 general ledger entries regarding the United Corporation in 2016	\$238,828.82
New Claim Number	Item No. in Original 8/30/16 Claim	Description	Total Amount of Claim
H-117	459	Unclear general ledger entry regarding United Corporation – Worker’s compensation	\$317.99
H-118	460	Unclear general ledger entries regarding FUTA late fee	\$85,697.27
H-119	464	Transaction with Raja Foods	\$410.00
H-120	465	2016 transactions with Caribbean Refrigeration & Mechanical LLC	\$10,901.51
H-121	466	Unclear general ledger entries We Are Wine LLC	\$2704.79
H-122	467	Unclear general ledger entries regarding US Customs penalty	\$2,250.00
H-124	469	Unclear general ledger entries regarding Inter Ocean refund	Discovery Needed
H-125	470	Unclear general ledger entries regarding “Lutheran Family Social Services”	\$1,246.21
H-126	471	Unclear general ledger entries regarding KAC357	\$3,640.00
H-127	472	Unclear 2016 general ledger entries for Banco Popular Puerto Rico	Discovery Needed
H-128	473	Unclear general ledger entries regarding 2016 V.I. Employment Security contributions and penalties	\$13,047.65
H-129	475	Fathi Yusuf draw from Partnership funds for gift	\$4,000,000.00
H-130	476	Wireless Tech Rent	\$15,000.00
H-131	477	Unclear general ledger entries regarding Hanun loan	\$35,000.00
H-132	478	Unclear general ledger entries regarding distributing cash on hand in 2015	\$19,333.33
H-133	479	Unclear general ledger entry regarding Yusuf distribution of WAPA deposit	\$110,842.00
H-134	480	Unclear general ledger entries regarding “Yusuf distribu for trade AR”	\$15,701.34
H-135	481	Unclear general ledger entry regarding “xfer fr Yusuf fam BPPR a/c to United BPPR a/c”	\$1,449.33
H-136	482	Unclear general ledger entry regarding “Yusuf refund of overpayment”	\$77,335.62
H-137	483	Unclear general ledger entry regarding “CLEAR MISC YUSUF/PSHIP DUE	\$247,870.31

		TO/FR ACCOUNTS"	
--	--	-----------------	--

New Claim Number	Item No. in Original 8/30/16 Claim	Description	Total Amount of Claim
H-138	484	Unclear general ledger entries regarding "correct Yusuf/Hamed distrib settle on 9/30 ref ck 251 for \$183,381.91"	\$20,484.00
H-139	485	Unclear general ledger entry regarding "clear pship a/c 28600 intraco bal's to equity"	\$247,137.88
H-140	487	Unclear general ledger entry "clear misc Hamed/pship due to/fr accounts" in the amount of \$39,788.40.	\$39,788.40
H-141	488	Unclear general ledger entry regarding "due t/fr settlement re stmt at 9/30/15"	\$183,381.91
H-142	490	Half acre in Estate Tutu	Discovery Needed
H-144	492	\$900,000 Estimated tax payment for United Corporation shareholders	\$900,000.00
H-145	3003	WAPA deposits paid with Partnership funds	\$272,571.59
H-146	3007	Imbalance in credit card points	\$421,234.62
H-147	3010	Vendor rebates	Discovery Needed
H-148	3011	Excessive travel and entertainment expenses	\$23,745.24
H-149	246, 255,	Seaside Market & Deli LLC	Discovery Needed
H-150	3002a	United Shopping Center's gross receipt taxes	\$70,193.20
H-151	3004a	Checks written to Fathi Yusuf for personal use	Discovery Needed
H-152	3008a	United's corporate franchise taxes and annual franchise fees	\$2,300.52
H-153	3009a	Partnership funds used to pay United Shopping Center's property insurance	\$59,360.84
H-154	346a	Attorney and accounting's fees paid by the Partnership for the criminal case	\$989,626.90
H-155	359/362	Employee Loans	\$33,121.06
H-156	372/379	Unclear General Ledger entries regarding miscellaneous adjustments to employee loans	\$122,904.66
H-157	402/418	Unclear general ledger entry regarding "Fathi Yusuf refund of overpayment"	\$77,335.62
H-158	403/413	Unclear general ledger entries for By Order	\$260,490.72
H-159	442/407	Unclear general ledger entries indicating Accounts Payable Trade payments to United Corporation in 2015	Discovery Needed
H-160	Exhibit A - H	United Shopping Center's gross receipt taxes	Discovery Needed

DUDLEY, TOPPER
AND FEUERZEIG, LLP
1000 Frederiksberg Gade
P.O. Box 756

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

(340) 774-4422

H-161	Exhibit A - I	Attorney and accounting's fees paid by the Partnership for the criminal case - Pro-rated from September 17, 2006 forward	\$7,728,287.00
New Claim Number	Item No. in Original 8/30/16 Claim	Description	Total Amount of Claim
H-162	Exhibit A - L	Claims based on monitoring reports/accounting 2007- 2012	Discovery Needed
H-163	Exhibit A - M	Loss of assets due to wrongful dissolution - attorney's fees	Discovery Needed
H-164		Inventory adjusted downward by \$1,660,000 due to unrecorded inventory transfers to other stores, as per first supplemental Hamed claims dated October 6, 2016	Discovery Needed
H-166	218	Entry for Tutu Park LTD for \$30,359.38	\$30,359.38
H-167	220	Checks to Daytona Beach Market & Deli	\$19,500.00

2)

New Claim Number	Item No. in Original 9/30/2017 Claim	Description	Total Amount of the Claim
Y-02	Y's Claims - III.B.2	Unpaid rent for Plaza Extra-East Bays 5 & 8	\$793,984.34
Y-05	Exhibit F	Reimburse United for Gross Receipt Taxes	\$60,586.96
Y-06	Exhibit G	Black Book Balance Owed United	\$49,997.00
Y-07	Exhibit H	Ledger Balance Owed United	\$199,760.00
Y-08	Y's Claims - III F	Water Revenue Owed United	\$693,207.46
Y-09	Exhibit I	Unreimbursed Transfers from United	\$188,132.00
Y-10		Past Partnership Withdrawals - Receipts	\$3,133,020.88 (revised)
Y-11	BDO Table	Lifestyle Analysis	\$1,966,617.56
Y-12	Y's Claims - VI, Exhibits	Foreign Accts and Jordanian Properties	\$434,921.37

	K-O		
Y-13	Y's Claims - VII, Exhibit P	Loss of going concern value of Plaza West-Integra	\$4,385,000.00
Y-14	Y's Claims - VIII	Half of the value of the six containers	\$210,000.00

3)


- Deponent's income tax returns for 2006 through 2018; and
- Deponent's sources of income from 2006 through 2018.

Respectfully submitted,

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: July 24th 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)
Law House 1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00804-0756
Telephone: (340) 715-4422
Telefax: (340) 715-4400
E-Mail: ghodges@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 24th day of July, 2018, I caused the foregoing **NOTICE OF DEPOSITION OF WALEED HAMED**, which complies with the page and word limitations of Rule 6-1(e), to be served upon the following via the Case Anywhere docketing system:

Joel H. Holt, Esq.
LAW OFFICES OF JOEL H. HOLT
Quinn House - Suite 2
2132 Company Street
Christiansted, St. Croix
U.S. Virgin Islands 00820
E-Mail: holtvi.plaza@gmail.com

Carl J. Hartmann, III, Esq.
5000 Estate Coakley Bay – Unit L-6
Christiansted, St. Croix
U.S. Virgin Islands 00820
E-Mail: carl@carlhartmann.com

Mark W. Eckard, Esq.
ECKARD, P.C.
P.O. Box 24849
Christiansted, St. Croix
U.S. Virgin Islands 00824
E-Mail: mark@markeckard.com

Jeffrey B.C. Moorhead, Esq.
JEFFREY B.C. MOORHEAD, P.C.
C.R.T. Brow Building – Suite 3
1132 King Street
Christiansted, St. Croix
U.S. Virgin Islands 00820
E-Mail: jeffreymlaw@yahoo.com

The Honorable Edgar D. Ross
E-Mail: edgarrossjudge@hotmail.com

and via U.S. Mail to:

The Honorable Edgar D. Ross
Master
P.O. Box 5119
Kingshill, St. Croix
U.S. Virgin Islands 00851

Alice Kuo
5000 Estate Southgate
Christiansted, St. Croix
U.S. Virgin Islands 00820

