**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

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| **WALEED HAMED**,as the Executor of the Estate of MOHAMMAD HAMED, | **Case No.: SX-2012-CV-370** |
| *Plaintiff/Counterclaim Defendant*, |  |
| vs.  **FATHI YUSUF** and **UNITED CORPORATION** | **ACTION FOR DAMAGES, INJUNCTIVE RELIEF AND DECLARATORY RELIEF** |
|  |  |
| *Defendants and Counterclaimants*.  vs.  **WALEED HAMED, WAHEED** **HAMED, MUFEED HAMED, HISHAM HAMED,** **and PLESSEN ENTERPRISES, INC.**,  *Counterclaim Defendants*, | JURY TRIAL DEMANDED |
|  | Consolidated with |
| **WALEED HAMED**,as the Executor of the Estate of MOHAMMAD HAMED, | **Case No.: SX-2014-CV-287** |
|  |  |
| *Plaintiff*,  vs. | **ACTION FOR DECLARATORY**  **JUDGMENT** |
| **UNITED CORPORATION,** | JURY TRIAL DEMANDED |
| *Defendant.*  *­­­­­­*­­  **WALEED HAMED**,as the Executor of the Estate of MOHAMMAD HAMED,  *Plaintiff,*  vs.  **FATHI YUSUF**,  *Defendant.* | Consolidated with  **Case No.: SX-2014-CV-278**  **ACTION FOR DEBT AND CONVERSION**  JURY TRIAL DEMANDED |
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**NOTICE OF RESCHEDULING OF VIDEOTAPED DEPOSITIONS --**

**DEPOSITIONS 1-4 of 10 PURSUANT TO 1/29/18 CLAIMS DISCOVERY PLAN AND THE COURT’S ORDERS OF AUGUST 6 and 12, 2018**

**PLEASE TAKE NOTICE** that pursuant to *Rules V.I. R. Civ. P. 30(a)*, *30(b)(6)* and 45, the Plaintiff reschedules and will take the videotaped deposition of the following persons and entities:

1. The previously scheduled deposition of **FATHI YUSUF**, set for March 2018, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709, is now set for 10:00 AM on Tuesday, January 22, 2019, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709. The topics will be the remaining claims of the parties as made before the Special Master.

2. The previously scheduled deposition of **NEJEH YUSUF**, set for March, 2018, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709, is now set for 10:00 AM on Thursday, January 24, 2019, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709. The topics will be the remaining claims of the parties as made before the Special Master.

3. The previously scheduled deposition of **United Corporation** set for August 2018, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709, is now set for 10:00 AM on Monday, January 28 , 2019, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709. The topics are th same as in the original notice.

4. The previously scheduled deposition of **The Yusuf/Hamed Partnership** set for March 2018, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709, is now set for 10:00 AM on Wednesday, January 30, 2018, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709. The topics are the same as originally noticed.

Plaintiffs will work with Defendants to re-set these dates upon written request reasonably made and timely given.

The entity deponents will produce as many representatives with knowledge as necessary to give the most informed response to each topic -- **representatives who have apprised themselves of the full knowledge of the entity regarding the topic**. As to each topic, each such representative will be asked the *voir dire* question: "Have you been informed by the entity prior to this testimony regarding Claim \_\_, that you were to **have been apprised of, and be ready to testify as to the full knowledge of the entity regarding this topic?"**

Pursuant to V.I. R. Civ. P. 30(b)(2) and 30(b)(6), as well as V.I. R. Civ. P. 34, the deponents shall bring the following documents in their possession or under their control to the depositions:

1. As to the Partnership and United, all documents necessary to allow full and complete testimony on the topics provided in the attached schedules.

2. As to the individuals, all documents necessary to testify as to the following, although the deposition will be in no way limited to these topics -- they are merely presented to allow each witness to prepare more fully:

**Dated:** August 16, 2018 A

**Carl J. Hartmann III, Esq.**

*Co-Counsel for Plaintiff*

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Christiansted, Vl 00820

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**Joel H. Holt, Esq.**

*Counsel for Plaintiff*

Law Offices of Joel H. Holt

2132 Company Street,

Christiansted, Vl 00820

Email: holtvi@aol.com

Tele: (340) 773-8709 Fax: (340) 773-867

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of August, 2018, I served a copy of the foregoing by email (via CaseAnywhere), as agreed by the parties, on:

**Hon. Edgar Ross**

Special Master

% edgarrossjudge@hotmail.com

**Gregory H. Hodges**

**Stefan Herpel**

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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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**SCHEDULE A - Topics for Partnership Witness**

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| **New Claim Number[[1]](#footnote-1)** | **Item No. in Original 8/30/16 Claim Filing** | **Description** |

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| **H-007** | 248 | KAC357, Inc. payment of invoices from J. David Jackson PC |
| **H-008** | 256 | David Jackson, CPA, bill owed for tax work done related to the Partnership's 2013 taxes |
| **H-013** | 210 | Hamed payment of taxes during criminal case |
| **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 |
| **H-018** | 275 | KAC357, Inc. payment of invoices from FreedMaxick |
| **H-019** | 278 | KAC357, Inc. payment of Partnership WAPA invoices |
| **H-020** | 279 | KAC357, Inc. payment of Partnership Tropical Shipping invoices |
| **H-023** | 299 | 2015 Workers’ Compensation payments for Plaza East |
| **H-024** | 310 | 2015 Health permit payments for Plaza East |
| **H-025** | 314 | 2015 Business license payment for Plaza East |
| **H-026** | 316 | Inventory moved from Plaza West to East after official inventory |
| **H-027** | 319 | BJ’s Wholesale Club vendor credit |
| **H-030** | 333 | KAC357, Inc. payment of Partnership AT&T invoices |
| **H-031** | 334 | Point of Sale transactions (purchases on account) |
| **H-035** | 343 | KAC357, Inc.’s American Express payments deposited to Partnership account |
| **H-036** | 345 | Unclear UVI payment |
| **H-037** | 353 | Due to/from Fathi Yusuf |
| **H-039** | 358 | STT Tutu gift certificates |
| **H-145** | 3003 | WAPA deposits paid with Partnership funds |
| **H-146** | 3007 | Imbalance in credit card points |
| **H-147** | 3010 | Vendor rebates |
| **H-148** | 3011 | Excessive travel and entertainment expenses |
| **H-149** | 246, 255, 260, 318 | Seaside Market & Deli LLC |
| **H-154** | 346a | Attorney and accounting’s fees paid by the Partnership for the criminal case |
| **H-155** | 359/362 | Employee Loans |
| **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 |
| **H-164** | Sched A | 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 |
| **H-165** | Sched A | In Yusuf’s Accounting and Proposed Distribution Plan filing on September 30, 2016, Yusuf stated that “[t]here are Debts totaling $176,267.97, which must be paid prior to any distribution of the remaining Partnership Assets to the Partners.” (Footnote omitted) This is an unclear accounting entry. |

**SCHEDULE B - Topics for United Witness**

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| **New Claim Number[[2]](#footnote-2)** | **Item No. in Original 8/30/16 Claim Filing** | **Description** |

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| **H-028** | 329 | 2015 Real Estate Tax for Plaza Extra-STT |
| **H-029** | 331 | 2015 Insurance for St. Thomas Plaza Extra car |
| **H-142** | 490 | Half acre in Estate Tutu |
| **H-143** | 491 | Plaza Extra East land |
| **H-144** | 492 | $900,000 Estimated tax payment for United Corporation shareholders |
| **H-150** | 3002a | United Shopping Center’s gross receipt taxes |
| **H-152** | 3008a | United’s corporate franchise taxes and annual franchise fees |
| **H-153** | 3009a | Partnership funds used to pay United Shopping Center’s property insurance |
| **H-160** | Exhibit A - H | United Shopping Center’s gross receipt taxes |
| **H-162** | Exhibit A - L | Claims based on monitoring reports/accounting 2007-2012 |
| **Y-008** | Y's Claims - III.F | Water Revenue Owed United |

1. Each "New Claim" is more fully described in Hamed's CPA Expert Report -- by claim number, and specific documents known to Hamed (if any) and general area of inquiry. [↑](#footnote-ref-1)
2. Each "New Claim" is more fully described in Hamed's CPA Expert Report -- by claim number, and specific documents known to Hamed (if any) and general area of inquiry. [↑](#footnote-ref-2)