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November 28, 2018

Charlotte Perrell, Esq.  
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Via Email Only

RE: Summary of Rule 37 Conference re Claims Discovery Responses, Letter 2 of 2

Dear Attorney Perrell:

This letter summarizes our discussion and agreements regarding each of the outstanding discovery items from our Rule 37 conference on November 12, 2018.

**Quick Summary:**

The following claims are ready for Hamed to file his Claim's Motion now: H-15 (interrogatory 18) and H-150 (interrogatory 41).

The following discovery items are ready for Hamed to file his Motion to Compel now: interrogatories 33, 34, 35, 41 (as it relates to Y-11) and request for the production of documents 26, 28, 31 and 32.

Hamed withdraws the following discovery items: interrogatories 25, 28, 41 (as it relates to Y-3 and Y-4 only); request for production of documents 29, 41 (as it relates to ROGs 42 and 43 only), and request to admit 18 and 29.

Once the joint stipulation regarding documents and fact positions is signed, the following discovery items will be withdrawn: interrogatories 41 (as it relates to Y-12 only), 47 and RFPDs 33, 41 (as it relates to ROG 47 only) and RFPDs 43-47.

Once the joint stipulation regarding the documents contained in the BDO report is signed, the following discovery items will be withdrawn: request for production of documents 4 and 38.

Once the letter requesting documents from Randall P. Andreozzi is jointly signed and sent by the parties, the request for production of documents 5 will be withdrawn.

The following discovery items are held in abeyance until the Master rules on the parties' joint motion regarding attorneys' fees for the criminal case: interrogatories 24, 36 and 48 and request for production of documents 41 (as it relates to ROG 48).

Attorney Perrell has agreed to respond to the following discovery items by December 15, 2018: interrogatories 3, 6, 15, 29, 30, 37, 41 (Y-2, Y-10), 44, 45, 49, request for production of documents 2, 6, 7, 19, 23, 24, 30, 34, 40, 41 (as it relates to ROGs 44, 45, & 46) and request to admit 22 and 37.

**Detailed Summary:**

**Interrogatories**

Interrogatory 3 of 50 – Relates to H-1 – Reimbursement for Dorthea condo

Attorney Perrell stated that the defendants would be filing a Motion to Strike regarding this claim. She agreed to determine whether there were any more documents to produce related to this claim or whether she would submit a declaration from Fathi Yusuf listing the date he received payments for the Dorthea condo by December 15, 2018. If no documents or declaration are received by December 15<sup>th</sup>, the parties agree Interrogatory 3 is ready for Hamed's Motion to Compel.

Interrogatory 6 of 50 – Relates to H-33 – Merrill Lynch accounts

Attorney Perrell stated that this interrogatory will be supplemented by December 15, 2018.

Interrogatory 15 of 50 – Relates to Y-7 – Ledger Balance Owed United

Attorney Perrell stated that this interrogatory will be supplemented by December 15, 2018.

Interrogatory 18 of 50 – Relates to H-15, NejeH Yusuf's cash withdrawals from the safe

Attorney Perrell agreed that this claim is ready for Hamed to make its claim motion.

Interrogatory 24 of 50 – Relates to H-154 – Attorney and accounting fees paid by the Partnership for the criminal case

This interrogatory is held in abeyance until the Master rules on the parties' joint motion regarding attorneys' fees for the criminal case.

Interrogatory 25 of 50 – Relates to H-163 – Loss of assets due to wrongful dissolution

Withdrawn due to stipulation regarding attorneys' fees filed on November 9, 2018.

Interrogatory 28 of 50 – Relates criminal charges, convictions, plea agreements, or other criminal actions as to Fathi Yusuf for any entity which he controlled other than United Corporation

Withdrawn due to stipulation regarding attorneys' fees filed on November 9, 2018.

Interrogatory 29 of 50 – Relates to Y-2 – unpaid rents for Plaza Extra-East Bays 5 & 8

Attorney Perrell stated that this interrogatory will be supplemented by December 15, 2018.

Interrogatory 30 of 50 – Relates to Y-12 – Foreign accounts and Jordanian properties

Attorney Perrell stated that this interrogatory will be supplemented by December 15, 2018.

Interrogatory 33 of 50 – Relates to banking information related to Mr. Yusuf and his sons

Attorney Perrell stated that the defendants would not be supplementing this interrogatory, therefore it is ready for Hamed's Motion to Compel.

Interrogatory 34 of 50 – Relates to foreign and domestic assets owned by Fathi Yusuf

Attorney Perrell stated that the defendants would not be supplementing this interrogatory, therefore it is ready for Hamed's Motion to Compel.

Interrogatory 35 of 50 – Relates to Fathi Yusuf and his sons' sources of income

Attorney Perrell stated that the defendants would not be supplementing this interrogatory, therefore it is ready for Hamed's Motion to Compel.

Interrogatory 36 of 50 – Relates to how Yusufs' attorneys were hired and paid for in the criminal case

This interrogatory is held in abeyance until the Master rules on the parties' joint motion regarding attorneys' fees for the criminal case.

Interrogatory 37 of 50 – Relates to Partnership distributions

Attorney Perrell agreed to draft a stipulation along the following lines and have it signed and filed by both parties before December 15, 2018:

- 1) All documents showing Partnership distributions (including Partnership funds distributed to United, Fathi Yusuf or Fathi Yusuf's family members) and Partnership financial obligations from 2006 through 2010 are contained within the August 31, 2016 BDO accounting report, *Report of Historical Withdrawals and Distributions of The Partners and Proposed Allocation to Equalize Partnership Distributions*, and any of BDO's subsequent revisions ("BDO report");
- 2) All documents from 2006 – May 15, 2018 related to United's Tenant account and United's businesses are excluded from the BDO report; and
- 3) Any transfer or distribution of Partnership funds from 2013 – May 15, 2018 to United, Fathi Yusuf or Fathi Yusuf's family members are documented in the Partnership accounting maintained by John Gaffney.

Attorney Perrell has agreed to find out whether her client agrees to respond to this interrogatory as it relates to United's Tenant banking account from 2006 through May 15, 2018 before December 15, 2018. If her client does not agree to respond, this portion of the interrogatory will be ready for a Motion to Compel.

Interrogatory 38 of 50 – Relates to assets or amounts in excess of \$10,000 that were transferred to or from Fathi Yusuf or United Corporation from September 17, 2012 to date.

Attorney Perrell agreed that this interrogatory is covered by the stipulation for Interrogatory 37. This interrogatory will be withdrawn when the stipulation identified for Interrogatory 37 is signed by both parties.

Interrogatory 41 of 50 – Relates to Yusuf Claims Y-2 through Y-5 and Y-10 through Y-12

Y-2 – Rent for Bays 5 & 8—Attorney Perrell stated that this interrogatory will be supplemented by December 15, 2018 (see interrogatory 29).

Y-3 – Interest on Bay 1—Withdrawn based on Master's March 15, 2018 Order.

Y-4 – Interest on Bays 5 & 8 – Withdrawn, no additional discovery needed.

Y-5 – Gross Receipts – Attorney Perrell agreed that this claim is ready for Hamed to make his Claim's Motion (H-150). No more discovery related to H-150 is required by Hamed.

Y-10 – Partnership distributions related to the remaining \$178,103.00 for Wally Hamed in the category of “amount owed by Hamed family to Yusuf as per agreement before raid Sept. 2001.”

Attorney Perrell agreed to supplement this interrogatory with an explanation of what the \$178,103.00 covers and list any documents related to the \$178,103.00 by December 15, 2018.

Y-11 – Lifestyle Analysis

Attorney Perrell agreed that not more information would be forthcoming for the interrogatory related to Y-11 and therefore is ready for Hamed’s Motion to Compel.

Y-12 – Relates to Partnership Foreign Accounts and Jordanian Properties

Once the stipulation, “2018-11-26 With Greg’s requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2,” emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018 is signed by both parties, this interrogatory as it relates to Y-12 only will be withdrawn.

Interrogatory 44 of 50 – Relates to Mike Yusuf’s deposition testimony as a 30(b)(6) witness for United that the Yusuf claims related to the black book and the ledger were **not** between Hamed and United, but **rather** between the Hameds and the Yusufs.

Attorney Perrell agreed by December 15, 2018 to supplement this interrogatory by explaining why Mike Yusuf’s testimony was incorrect and the black book and ledger entries really are between Hamed and United.

Interrogatory 45 of 50 – Relates to Mike Yusuf’s deposition testimony as a 30(b)(6) witness for United that the ledger excerpts sent in regard to this case were not the full set of all such ledgers.

Attorney Perrell agreed to review whether any additional ledgers exist and produce them by December 15, 2018. Further, Attorney Perrell agreed this interrogatory would be covered by the stipulation, “2018-11-26 With Greg’s requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2,” emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018.

Interrogatory 47 of 50 – Relates to the fact that some receipts identifying Partnership withdrawals were destroyed so it would be impossible to reconcile all withdrawals from the Partnership

Once the stipulation, “2018-11-26 With Greg’s requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2,” emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018 is signed by both parties, this interrogatory will be withdrawn.

Interrogatory 48 of 50 – Relates to the Joint Defense Agreement in the criminal case

This interrogatory is held in abeyance until the Master rules on the parties' joint motion regarding attorneys' fees for the criminal case.

Interrogatory 49 of 50 – Relates to claim Y-10, Partnership Withdrawals

Attorney Perrell agreed to provide additional information regarding the unexplained withdrawals attributed to Waleed Hamed by December 15, 2018 (see interrogatory 41 and RFPDs 23 and 24). Further, Attorney Perrell agreed this interrogatory would be covered by the stipulation, "2018-11-26 With Greg's requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2," emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018.

### **Request for Production of Documents**

RFPDs 2 of 50 – Relates to Merrill Lynch accounts that still existed in 2012 (ML-140-21722, ML-140-07884 and ML-140-07951)

Attorney Perrell agreed to respond to this document request by December 15, 2018.

RFPDs 4 of 50 – Relates to Checks written to Fathi Yusuf for personal use

This request will be withdrawn when the stipulation in Interrogatory 37 is signed by both parties.

RFPDs 5 of 50 – Relates to the monitoring and accounting reports generated from 2006 through 2012.

The parties agree that this RFPDs will be covered by a joint letter sent to Attorney Randy Andreozzi requesting these reports.

RFPDs 6 of 50 – Relates to United's tenant bank account

Attorney Perrell has agreed to find out whether her client agrees to respond to this request as it relates to United's Tenant banking account from 2006 through May 15, 2018 before December 15, 2018. If her client does not agree to respond, this request will be ready for Hamed's Motion to Compel.

RFPDs 7 of 50 – Relates to the Partnership's ledgers

Attorney Perrell has agreed to respond to RFPD 7 by December 15, 2018.

RFPDs 19 of 50 – Relates to the reimbursement for sale of the Dorthea condo

Attorney Perrell stated that the defendants would be filing a Motion to Strike regarding this claim. She agreed to determine whether there were any more documents to produce related to this claim or whether she would submit a declaration from Fathi Yusuf listing the date he received payments for the Dorthea condo by December 15, 2018.

RFPDs 23 of 50 – Relates to Y-10, Partnership Distributions

Attorney Perrell agreed provide documentation substantiating the alleged \$237,352.75 in withdrawals by Waleed Hamed, as referenced in the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)," by December 15, 2018.

RFPDs 24 of 50 – Relates to Y-10, Partnership Distributions

Attorney Perrell agreed provide documentation substantiating the alleged \$20,311.00 in "[p]ayments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks" by Waleed Hamed, as referenced in the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)," by December 15, 2018.

RFPDs 26 of 50 – Relates to Y-11, Lifestyle Analysis

Attorney Perrell agreed that no more information would be forthcoming for the RFPDs related to Y-11 and therefore is ready for Hamed's Motion to Compel.

RFPDs 28 of 50 – Relates to financial statements or applications for financing for United, as well as Fathi, Mike, NejeH and Yusuf Yusuf or any company controlled more than 49%, submitted to any person or institution from September 17, 2006 to present

Attorney Perrell agreed that no more information would be forthcoming for the RFPDs 28 and therefore is ready for Hamed's Motion to Compel.

RFPDs 29 of 50 – Relates to any accountings prepared by or on behalf of United or any member of the Hamed or Yusuf families in the Criminal Case to demonstrate the Partnership's or United's income

Hamed agreed to withdraw RFPDs 29.

RFPDs 30 of 50 – Relates to copies of all original tax returns filed by United, Fathi, Mike, Negeh and Yusuf Yusuf from 1986 to date

Attorney Perrell agreed to determine whether United and Yusufs would produce copies of their tax returns from 1986 to date by December 15, 2018. If the tax returns are not produced, this RFPD is ready for Hamed's Motion to Compel.

RFPDs 31 of 50 – Relates to any operating, savings, credit, investment, trust, escrow or other accounts in which United, Fathi, Mike, Negeh and Yusuf Yusuf or any company which they have more than 49% control, have or had any interest in the Virgin Islands or elsewhere, including, but not limited to Jordan and West Bank, Palestine, from 1986 to date.

Attorney Perrell agreed that no more information would be forthcoming for the RFPDs related to the Y-11 Lifestyle Analysis and therefore RFPDs 31 is ready for Hamed's Motion to Compel.

RFPDs 32 of 50 – Relates to all documents relating to all assets of United, Fathi, Mike, Negeh and Yusuf Yusuf as of September 12, 2012 and the value of such assets.

Attorney Perrell agreed that no more information would be forthcoming for the RFPDs related to the Y-11 Lifestyle Analysis and therefore this RFPDs is ready for Hamed's Motion to Compel.

RFPDs 33 of 50 – Relates to any allocation set forth in Exhibits 1-5, please produce all underlying documents relating to any such allocation

Once the stipulation, "2018-11-26 With Greg's requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2," emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018 is signed by both parties, this interrogatory will be withdrawn.

RFPDs 34 of 50 – Relates to all documents that rent is due from the Partnership to United for Bay 5 and Bay 8.

Attorney Perrell stated that this RFPDs will be supplemented by December 15, 2018.

RFPDs 40 of 50 – Relates to all documents relating to gifts to Mafi Hamed and Shawn Hamed and/or their spouses at the time of their weddings to Yusuf daughters as to Fathi Yusuf or his spouse or his daughters seeking return, credit or offset in divorce proceedings.

Attorney Perrell stated that this RFPDs will be supplemented by December 15, 2018.



RFPDs 41 – Relates to documents identified in or relating to your responses to Hamed's Interrogatories 42-48 of 50.

ROG 42 – The RFPDs related to ROG 42 is withdrawn.

ROG 43 – The RFPDs related to ROG 43 is withdrawn.

ROG 44 – Relates to Mike Yusuf's deposition testimony as a 30(b)(6) witness for United that the Yusuf claims related to the black book and the ledger were **not** between Hamed and United, but **rather** between the Hameds and the Yusufs.

Attorney Perrell agreed to provide any documents related to this interrogatory by December 15, 2018.

ROG 45 – Relates to ledgers

Attorney Perrell agreed to review whether any additional ledgers exist and produce them by December 15, 2018. Further, Attorney Perrell agreed this interrogatory would be covered by the stipulation, "2018-11-26 With Greg's requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2," emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018.

ROG 46 – Relates to ledgers

Attorney Perrell agreed to review whether any additional ledgers exist and produce them by December 15, 2018. Further, Attorney Perrell agreed this interrogatory would be covered by the stipulation, "2018-11-26 With Greg's requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2," emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018.

ROG 47 – Relates to the fact that some receipts identifying Partnership withdrawals were destroyed so it would be impossible to reconcile all withdrawals from the Partnership

Once the stipulation, "2018-11-26 With Greg's requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2," emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018 is signed by both parties, this interrogatory will be withdrawn.

ROG 48 – Relates to the Joint Defense Agreement

Document production related to this interrogatory is held in abeyance until the Master rules on the parties' joint motion regarding attorneys' fees for the criminal case.

RFPDs 43 of 50 – Relates to documents demonstrating that Fathi Yusuf was in charge of the finances for the Plaza Extra Partnership and created the criminal plan to skim grocery store funds which led to the criminal conviction.

Hamed will withdraw RFPD 43 once the stipulation, "2018-11-26 With Greg's requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2," emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018 is signed by both parties.

RFPDs 44 of 50 – Relates to documents which demonstrate that Mohammad Hamed "never worked in any management capacity at any of the Plaza Extra Stores," which role was under the exclusive ultimate control of Fathi Yusuf' at the time of the criminal activities to which the guilty plea was made and conviction entered.

Hamed will withdraw RFPDs 44 once the stipulation, "2018-11-26 With Greg's requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2," emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018 is signed by both parties.

RFPDs 45 & 46 of 50 – Relates to documents which disprove that that "management capacity at any of the Plaza Extra Stores [] was under the exclusive ultimate control of Fathi Yusuf' at the time of the criminal activities to which the guilty plea was made and conviction entered."

Hamed will withdraw RFPDs 45 & 46 once the stipulation, "2018-11-26 With Greg's requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2," emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018 is signed by both parties.

RFPDs 47 – Relates to production of all documents which prove or disprove that Fathi Yusuf planned, directed and controlled the criminal activities to which the guilty plea was made and conviction entered

Hamed will withdraw RFPDs 47 once the stipulation, "2018-11-26 With Greg's requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2," emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018 is signed by both parties.

### Requests to Admit

RTA 18 – Relates to no credit for expired (spoiled) inventory discovered at Plaza Extra West

Hamed withdraws RTA 18.

RTA 22 – Relates to the half-acre in Estate Tutu

Attorney Perrell agreed to respond to RTA 22 by December 15, 2018.

RTA 29 – Relates to loss of assets due to wrongful dissolution - attorney's fees

Hamed withdraws RTA 29.

RTA 37 – Relates to the Partners agreement that when the Partnership was formed, Fathi Yusuf would provide the services and use of United by the Partnership and the Partnership operated the three Plaza Extra Stores that way

Attorney Perrell agreed to respond to RTA 37 by December 15, 2018.

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

cc: Greg Hodges, Joel Holt and Kim Japinga

