

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

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

Plaintiff/Counterclaim Defendant,

vs.

FATHI YUSUF and **UNITED CORPORATION**

Defendants/Counterclaimants.

vs.

**WALEED HAMED, WAHEED HAMED, MUFEEED
HAMED, HISHAM HAMED, and PLESSEN
ENTERPRISES, INC.,**

Counterclaim Defendants,

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

vs.

UNITED CORPORATION, *Defendant.*

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

vs.

FATHI YUSUF, *Defendant.*

KAC357 Inc., *Plaintiff,*

vs.

HAMED/YUSUF PARTNERSHIP,

Defendant.

FATHI YUSUF, *Plaintiff,*

vs.

ESTATE OF MOHAMMAD A. HAMED,

Defendant.

Case No.: SX-2012-CV-370

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

JURY TRIAL DEMANDED

Consolidated with

Case No.: SX-2014-CV-287

Consolidated with

Case No.: SX-2014-CV-278

Consolidated with

Case No.: ST-18-CV-219

Consolidated with

Case No.: ST-17-CV-384

**HAMED'S RESPONSE TO YUSUF'S MOTION FOR SURREPLY
RE CLAIM H-142: HALF-ACRE ACCESS PARCEL AT TUTU**

The assertion of “new” issues and exhibits is not accurate, but is irrelevant; as discussed below. Yusuf appears to be procedurally puzzled. See his surreply’s conclusion and request:

For the foregoing reasons, there is sufficient evidence of the existence of an agreement in 2011 amongst the partners, prior to dissolution, in which Hamed agreed to relinquish his interests to properties including the Tutu Half-Acre, in exchange for Yusuf’s forbearance from pursuing his claims for misappropriation against Hamed for \$2,000,000.00, which precludes Hamed from obtaining partial summary judgment on his claim to still have a partnership interest in the Tutu Half-Acre. **Yusuf respectfully requests that Hamed’s motion be denied.**

The sole motion that is before the Master regards record title. Hamed seeks only a determination that the Partnership rather than ‘Yusuf’s-United’ took record title in 2008—via the *2008 Deed*. *Yusuf’s opposition concedes this*. Thus, there is no more “motion” to be denied. However, if the Master does decide to hear Yusuf’s 19-page “countermotion” as to a 2011 oral negotiation now rather than on April 1st, this is a fine counter-reply, as Yusuf obviously intended.

I. No New Issues, No Odd Exhibits, No Mud

If the original motion as to record title pursuant to the 2008 Deed is all that is heard, the surreply is irrelevant (as Hamed stated in reply.) If it is really just a stealthy counter-reply to the counter-opposition as to a 2010-2011 oral settlement agreement, great. *Hamed is fine with either of these positions*. What is not acceptable is the assertion that HAMED “raises new arguments,” had exhibits that were “never seen before,” or “mudd[ies] rather than clarify[ies]”

2. Hamed’s Reply, consisting of 24 pages and attaching 9 additional exhibits including 2 never seen before (Exhibits 25 and 30), raises new arguments supported by new evidence.

3. Defendants submit that Hamed’s new arguments muddy, rather than clarify the issues regarding Claim H-142. . . .

This seems to be an awkward position for a party that used 19 pages out of a 20 page opposition to raise a completely unrelated issue on facts three years after the facts in the motion. Hamed merely responded to that countermotion—the two exhibits complained of are just *pro forma declarations* Yusuf never provides....on basic, procedural facts: (1) state of title as determined from the Recorder of Deeds and (2) the history of discovery here. As to the source of “muddiness”—the Master can read the original motion against the reply and decide.

Dated: January 6, 2020



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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January, 2020, I served a copy of the foregoing by email, as agreed by the parties, on:

Hon. Edgar Ross

Special Master
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