

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

YUSUF YUSUF, ON BEHALF OF PLESSEN ENT., INC.	Plaintiff)
)
)
	vs)
WALEED HAMED)
WAHEED HAMED)
MUFEED MOHAMMAD HAMED)

CASE NO. SX-13-CV-0000120

ACTION FOR: DAMAGES - CIVIL

Defendant


**NOTICE OF ENTRY OF
ORDERS**

TO: CHARLOTTE K. PERRELL, ESQ.
✓ MARK W. ECKARD, ESQ.

Please take notice that on January 24, 2019 a(n) ORDERS dated January 23, 2019 was entered by the Clerk in the above-entitled matter.

Dated: January 24, 2019

Estrella H. George
Clerk of the Court



JANEEN MARANDA
COURT CLERK II

RECEIVED
JAN 25 2019

BY:

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

**YUSUF YUSUF, DERIVATIVELY ON BEHALF OF
PLESSEN ENTERPRISES, INC.,**

Plaintiff,

vs.

**WALEED HAMED, WAHEED HAMED, MUFEEED
HAMED, HISHAM HAMED, AND FIVE-
HOLDINGS, INC.,**

Defendants,

AND

PLESSEN ENTERPRISES, INC.,

Nominal Defendants.

SX-13-CV-120

**ACTION FOR DAMAGES
AND INJUNCTIVE RELIEF**

JURY TRIAL DEMANDED

Appearances:

Charlotte K. Perrell, Esq.
Dudley, Topper & Feuerzeig, LLP
St. Thomas, USVI
For Plaintiff

Mark W. Eckard, Esq.
Hamm & Eckard, LLP
St. Croix, USVI
For Defendants

ORDER

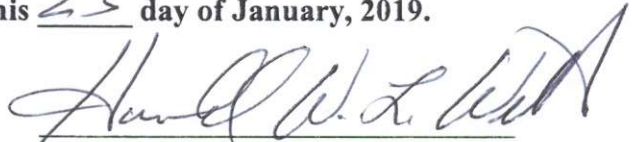
THIS MATTER is before the Court on the Defendant Mufeed Hamed's (hereinafter "Defendant") Motion to Compel, filed on May 3, 2017. The Plaintiff Yusuf Yusuf (hereinafter "Plaintiff"), filed an Opposition on May 22, 2017. The Defendant filed a Reply on June 2, 2017.

In the Motion, the Defendant states that the Plaintiff failed to adequately and completely respond to the Defendant’s first set of interrogatories (hereinafter “Interrogatories”) and Defendant’s first set of requests for production of documents (hereinafter “Request for Production”), both dated October 26, 2016. (Mot. at 1.)


Rule 37 of the Virgin Islands Rules of Civil Procedure allows a party to file a motion to compel a discovery response if a party fails to answer an interrogatory or fails to produce documents.¹ Here, the Plaintiff has sufficiently responded to the Defendant’s Interrogatories and Request for Production by providing extensive responses and supplemental information. Accordingly, the premises having been considered therein, it is hereby:

ORDERED that the Defendant’s Motion to Compel is **DENIED**.


DONE and so ORDERED this 23 day of January, 2019.


HAROLD W. L. WILLOCKS
Administrative Judge of the Superior Court

ATTEST:
Estrella George
Clerk of the Court

By: 
Deputy Clerk

Dated: 1/24/19


CERTIFIED A TRUE COPY
DATE: 1/25/19
ESTRELLA H. GEORGE
CLERK OF THE COURT
BY: 
COURT CLERK II

¹ V.I. R. Civ. P. 37(a)(3)(B)(iii) & (iv).

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
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**YUSUF YUSUF, DERIVATIVELY ON BEHALF OF
PLESSEN ENTERPRISES, INC.,**

Plaintiff,

vs.

**WALEED HAMED, WAHEED HAMED, MUFEED
HAMED, HISHAM HAMED, AND FIVE-
HOLDINGS, INC.,**

Defendants,

AND

PLESSEN ENTERPRISES, INC.,

Nominal Defendants.

SX-13-CV-120

**ACTION FOR DAMAGES
AND INJUNCTIVE RELIEF**

JURY TRIAL DEMANDED

Appearances:

Charlotte K. Perrell, Esq.
Dudley, Topper & Feuerzeig, LLP
St. Thomas, USVI
For Plaintiff

Mark W. Eckard, Esq.
Hamm & Eckard, LLP
St. Croix, USVI
For Defendants

ORDER

THIS MATTER is before the Court on the Plaintiff Yusuf Yusuf's (hereinafter "Plaintiff") Motion and Memorandum for Substitution of Named Defendant Mohammad Hamed, filed on June 2, 2017.

Mohammad Hamed (hereinafter “Defendant”), in the above-captioned case died on June 15, 2016. (Mot. at 1.) As a result, the Probate Court ordered that Waleed M. Hamed be appointed as Executor of the Estate of Mohammad Hamed. (Order dated 9/20/16.)

Rule 25 of the Virgin Islands Rules of Civil Procedure provides that “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party.”¹ Hence, if a party dies while a case is pending, “a motion for substitution may be made by any party or the decedent’s successor, within two years after the decedent’s death.”² Here, the Plaintiff filed his Motion on June 2, 2017, and the Defendant passed away on June 15, 2016, therefore the Plaintiff has met the “on motion” and “within two years after the death”³ requirements. (Mot. at 1.)

Accordingly, the premises having been considered therein, it is hereby:

ORDERED that the Plaintiff’s Motion is **GRANTED**. It is further,

ORDERED that Waleed M. Hamed, as Executor of the Estate of Mohammad Hamed be substituted for the Defendant Mohammad Hamed. It is further

ORDERED that the caption in this matter be **AMENDED** and the Clerk substitute Waleed M. Hamed in place of Mohammad Hamed, as Executor of the Estate of Mohammad Hamed.

DONE and so ORDERED this 23 day of January, 2019.

¹ V.I. R. Civ. P. 25(a)(1).

² *Id.*

³ *Id.*

Yusuf Yusuf v. Waleed Hamed, et. al.

SX-13-CV-120

ORDER

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ATTEST:

Estrella George

Clerk of the Court



HAROLD W. L. WILLOCKS

Administrative Judge of the Superior Court

By: 

Deputy Clerk

Dated: 1/24/19

CERTIFIED A TRUE COPY

DATE: 1/25/19

ESTRELLA H. GEORGE
CLERK OF THE COURT

BY: 

COURT CLERK II