

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 and 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.*

FATHI YUSUF, *Plaintiff,*

vs.

MOHAMMAD A. HAMED TRUST, *et al,*

Defendants.

KAC357 Inc., *Plaintiff,*

vs.

HAMED/YUSUF PARTNERSHIP,

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-17-CV-384

Consolidated with

Case No.: ST-18-CV-219

**JOINT INFORMATIONAL MOTION TO SPECIAL MASTER AS TO
STATUS OF CLAIMS RESOLUTION PROCESS**

The Parties provide this Joint Informational Motion to Special Master as to Status of the Claims Resolution Process and show as follows:

1. On December 1, 2018, the Special Master entered an Order (the “December 1, 2018 Order”) following a telephonic conference with counsel as to the status of the claims. *See Exhibit A* – December 1, 2018 Order.
2. The December 1, 2018 Order, amended the discovery plan agreed to by the Parties and entered by the Special Master on January 29, 2018, as modified by Order dated August 6, 2018.
3. Pursuant to the December 1, 2018 Order, the Parties worked together and made significant progress on certain Part B claims, conducting discovery and making various summary judgment submissions, many of which the Special Master has ruled on and others which remain pending. Likewise, the Parties worked with John Gaffney to continue Gaffney’s review of and reporting on the Part A claims. Although significant progress was made and diligent efforts were exerted, the Gaffney review process is not complete but is continuing.
4. Also pursuant to the December 1, 2018 Order, the Special Master scheduled a telephonic status conference for 10:00 a.m. on Friday, August 30, 2019 to review the progress and discuss further amending the Scheduling Order to provide for the completion of the then outstanding Part A and Part B claims, which would include a discovery and briefing schedule for any of those claims that remain.
5. The Parties have been working cooperatively and will be meeting on September 6, 2019 to discuss open issues and will provide a written submission to the Special Master for

his review and consideration by September 10, 2019. If the Special Master believes a conference is still necessary following that submission, then one could be scheduled at that time.

WHEREFORE, the Parties propose that the telephonic conference originally scheduled for Friday, August 30, 2019, be continued and rescheduled, if the Special Master deems necessary, after the submission from the Parties on September 10, 2019 regarding a proposal for the remaining discovery and briefing schedule.

This the 29th day of August, 2019.

DATED: August 29, 2019

/s/Carl J. Hartmann
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DATED: August 29, 2019

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Exhibit A

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FATHI YUSUF, *Plaintiff,*

vs.

MOHAMMAD A. HAMED TRUST, *et al,*
Defendants.

KAC357 Inc., *Plaintiff,*

vs.

HAMED/YUSUF PARTNERSHIP,
Defendant.

ORDER

THIS MATTER, having come on before the Special Master in a telephonic conference on November 29, 2018, on the joint motion of the parties. It is hereby

ORDERED:

1. Due to the progress being made with regard to the Part A claims (Gaffney review) and the Special Master having allowed the movement of Part B claims to the Part A process, adjustments to the original Scheduling Order are necessary.
2. The Scheduling Order agreed to by the parties and entered by the Special Master on January 29, 2018, as modified by Order dated August 6, 2018, is hereby amended.
3. The parties will work together and with John Gaffney to complete Gaffney's review of and reporting on the Part A claims by Thursday, August 29, 2019.
4. A telephonic status conference is hereby scheduled for 10:00 a.m. on Friday, August 30, 2019 to review that progress and discuss further amending the Scheduling Order to provide for the completion of the then outstanding Part A and Part B claims, which will include the discovery and briefing schedule for any of those claims that remain.
5. The following Part B claims requiring expert discovery will be moved to the Part A *schedule* in that they will be dealt with after completion of the Part A process provided above:

Y-05	Reimburse United for Gross Receipt Taxes
Y-06	Black Book Balance Owed United
Y-07	Ledger Balance Owed United
Y-08	Water Revenue Owed United
Y-09	Unreimbursed Transfers from United
Y-10	Past Partnership Withdrawals - Receipts
Y-11	Lifestyle Analysis

- H-33 Merrill Lynch Accounts
- H-142 Half acre in Estate Tutu
- H-146 Imbalance in credit card points
- H-150 United Shopping Center's gross receipt taxes
- H-151 Checks written to Fathi Yusuf for personal use
- H-160 United Shopping Center's gross receipt taxes
- H-162 Claims based on monitoring reports/accounting 2007-2012
- H-165 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.

Dated: Dec. 1, 2018


Hon. Edgar D. Ross, Special Master

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