

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,  
MUFEED HAMED, HISHAM HAMED, and  
PLESSEN ENTERPRISES, INC.,**

*Counterclaim Defendants,*

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

vs.

**UNITED CORPORATION**, *Defendant.*

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

vs.

**FATHI YUSUF**, *Defendant.*

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**FATHI YUSUF**, *Plaintiff,*

vs.

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

*Defendants.*

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**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 MOTION TO SPECIAL MASTER ROSS  
FOR  
ORDER AS TO CLAIMS ALREADY ADDRESSED  
NUMBER 2**

## I. Introduction

On October 4, 2019, Hamed filed a notice of withdrawal of three claims and one pending motion for summary judgment. On October 8, 2019, the Court entered an order granting that withdrawal.

ORDERED that Hamed Claim Nos. H-34, H-58, and H-85 shall be withdrawn with prejudice and are hereby STRICKEN WITH PREJUDICE. And it is further:

ORDERED that Hamed's motion for summary judgment regarding Hamed Claim No. H-34 shall be withdrawn with prejudice and is hereby STRICKEN WITH PREJUDICE.

That Order will be referred to as “Order as to Claims Already Addressed Number 1.”

The parties wish to create a similar mechanism for having the Court provide formal orders for other claims which the parties may dispose of by withdrawal, compromise or concession. They submit that this will provide a running record in the docket as to the status of all claims—and at the end of the review process, an easy to use summary of the disposal of all claims, for the calculation of offsetting amounts.

They propose to submit these from time to time, and number them in sequence, using a standardized format.

The first of these is directly below.

## **II. Joint Motion to Special Master Ross For Order as to Claims Already Addressed -- Number 2**

Come now the parties and jointly move the Special Master to issue an order disposing of the referenced claims in the manner described:

### **A. List of Claims Addressed**

#### **H-07**

KAC357, Inc. payment of invoices from J. David Jackson PC

**Disposition:** Withdrawn/Stricken with Prejudice

#### **H-008**

David Jackson, CPA, bill owed for tax work done re the Partnership's 2013 taxes

**Disposition:** Withdrawn/Stricken with Prejudice

#### **H-14**

Unsubstantiated checks to Nejeih Yusuf

\$14,756.00

**Disposition:** Withdrawn/Stricken with Prejudice

#### **H-15**

Nejeih Yusuf's cash withdrawals from safe

\$53,384.67

**Disposition:** Withdrawn/Stricken with Prejudice

#### **H-18**

KAC357, Inc. payment of invoices from FreedMaxick

\$6,245.00

**Disposition:** Withdrawn/Stricken with Prejudice

#### **H-19**

KAC357, Inc. payment of WAPA invoices

\$81,713.80

**Disposition:** Withdrawn/Stricken with Prejudice

#### **H-31**

Point of Sale transactions (purchases on account)

\$925.94

**Disposition:** Withdrawn/Stricken with Prejudice

#### **H-36**

Unclear UVI payment

\$293.00

**Disposition:** Withdrawn/Stricken with Prejudice

**H-41**

Payments to Caribbean Refrigeration & Mechanical LLC

\$95,420.20

**Disposition:** Withdrawn/Stricken with Prejudice

**H-42**

Transactions with Miadden Plastic

\$49,565.00

**Disposition:** Withdrawn/Stricken with Prejudice

**H-43**

Unclear General Ledger entry "Collection of Setallment [sic]"

\$42,969.98

**Disposition:** Withdrawn/Stricken with Prejudice

**H-44**

Unclear General Ledger entries "Foreign taxes paid"

\$18,803.95

**Disposition:** Withdrawn/Stricken with Prejudice

**H-48**

Unclear General Ledger entries "RDC Frozen Account"

\$350,000.00

**Disposition:** Withdrawn/Stricken with Prejudice

**H-51**

Unclear General Ledger entry regarding "Cash – Transfer Clearing, Banco Proc re Xfer"

\$360,000.00

**Disposition:** Withdrawn/Stricken with Prejudice

**H-60**

Partnership may have paid Fathi Yusuf's personal attorney's fees

\$14,995.26

**Disposition:** Withdrawn/Stricken with Prejudice

**H-78**

Unclear general ledger entry regarding accrued accounting fees to complete 2015 year-end taxes

\$16,315.00

**Disposition:** Withdrawn/Stricken with Prejudice

**H-90**

2015 Accounts Payable-Trade to John Gaffney

\$1,544.33

**Disposition:** Withdrawn/Stricken with Prejudice

**H-91**

2013 Accounts Payable-Trade to John Gaffney  
\$1,214.10

**Disposition:** Withdrawn/Stricken with Prejudice

**H-98**

Unclear general ledger entry regarding United Shopping Center payment of  
accounting fees for the Partnership  
\$4,500.00

**Disposition:** Withdrawn/Stricken with Prejudice

**H-99**

Unclear general ledger entry regarding United Shopping Center payment of legal fees  
for the Partnership  
\$4,946.31

**Disposition:** Withdrawn/Stricken with Prejudice

**H-100**

Transaction with Source Accounting  
\$3,500.00

**Disposition:** Withdrawn/Stricken with Prejudice

**H-133 and 145**

Hamed claims regarding disposition of WAPA deposits  
\$110,842.00 and \$50,000.00

**Disposition:** Hamed and Yusuf accept the conclusion reached by John Gaffney in  
his May 31, 2019 report that "Yusuf owes the Partnership \$44,619.28 after all  
adjustments. . ."

The parties have agreed to the joint filing of this motion by counsel for Hamed and  
it will be deemed to have been written and executed jointly.

**SO ORDERED:**

The foregoing Joint Motion is **GRANTED** and is made an Order in this case. Those  
claims shown as "Withdrawn/Stricken with Prejudice" are withdrawn with prejudice  
and are hereby STRICKEN WITH PREJUDICE. With regard to H-133 and H-145,  
Hamed and Yusuf having accepted the conclusion reached in the May 31, 2019 report  
that "Yusuf owes the Partnership \$44,619 after all adjustments. . ." that amount will be  
computed as to the relative Partners' Accounts in their calculation at the conclusion of  
the accounting.

**Dated:** \_\_\_\_\_, 2019

\_\_\_\_\_  
**Hon. Edgar D. Ross**  
Master

**Dated:** November 2, 2019



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/s/

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### CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November, 2019, I served a copy of the foregoing by email, as agreed by the parties, on:

**Hon. Edgar Ross**

Special Master

edgarrossjudge@hotmail.com

**Mark W. Eckard**

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A handwritten signature in blue ink, appearing to read "Carl J. Harbo", with a long horizontal flourish extending to the right.

### CERTIFICATE OF WORD/PAGE COUNT

This document complies with the page or word limitation set forth in Rule 6-1 (e).

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