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*,	**Case No.: SX-2012-CV-370** **ACTION FOR DAMAGES, INJUNCTIVE RELIEF AND DECLARATORY RELIEF** JURY TRIAL DEMANDED
WALEED HAMED, as the Executor of the Estate of MOHAMMAD HAMED, *Plaintiff,* vs. **UNITED CORPORATION,** *Defendant.*	Consolidated with **Case No.: SX-2014-CV-287**
WALEED HAMED, as the Executor of the Estate of MOHAMMAD HAMED, *Plaintiff* vs. **FATHI YUSUF**, *Defendant.*	Consolidated with **Case No.: SX-2014-CV-278**
FATHI YUSUF, *Plaintiff*, vs. **MOHAMMAD A. HAMED TRUST**, *et al,* *Defendants.*	Consolidated with **Case No.: ST-17-CV-384**
KAC357 Inc., *Plaintiff*, vs. **HAMED/YUSUF PARTNERSHIP,** *Defendant.*	Consolidated with **Case No.: ST-18-CV-219**

HAMED'S MOTION TO EXCEED THE RULE 6.1(e)(2) LIMITATIONS AS TO HIS REPLY RE PARTIAL SUMMARY JUDGMENT FOR CLAIM H-142 (TUTU PARCEL) OR, IN THE ALTERNATIVE, TO ABBREVIATE HIS FILING

This motion asks the Master to allow enlargement of the page length and word count limits on Hamed's reply as to his *Motion for Partial Summary Judgment on Claim H-142*, regarding the 0.536 acre parcel near Tutu Park Mall on St. Thomas. The applicable rule is *V.I. Rule of Civil Procedure 6-1(e)(2)* which provides:

> (2) Except as provided in Rule 56-1, all motions, responses and replies filed with the court shall not exceed the greater of 20 pages or 6,500 words in length unless leave of court has been obtained in advance for a longer submission. This page or word limit does not include any cover page, caption, table of contents, table of authorities, appendices or exhibits, and certificates of service. . . .

Hamed's reply (filed simultaneously as **EXHIBIT A**) is 24 pages and exceeds the word count limitation by approximately 2950 words, exclusive of the counterstatement of material facts, headings, images, captions, etc. It is of this extended length due to the ennumerated factors below. Hamed asks that the Special Master allow the filing of the attached reply, *nunc pro tunc*, to the date of this motion.

I. Rquest for Enlargement

Hamed is mindful that he has already imposed on the Master's time and patience by asking that this motion be expedited due to impending depositions. If the additional length is burdensome, Hamed asks the Court to consider the *pro forma* abbreviation described in Part II below. He notes that he hasn't sought such an accomodation from the Special Master previously, and that he has adhered to the Rule and its purpose in the past. He assures the Special Master that he does not foresee seeking such relief in the future, and will not abuse any leeway the Master grants.

II. Alternative Request for Abbreviation

To avoid having to lose time by re-filing a shorter version of the brief, Hamed requests that if the Master refuses the request for enlargement, he allow the filing of the attached reply, *nunc*

pro tunc, to the date of this motion—striking all text after page 17, at the point where Hamed begins with the phrase "Hamed will address each issue individually."

III. Factors

1. Yusuf's real Opposition is 17 lines long. He concedes the motion by the end of page 1.
2. The next 19 pages contain a complete 19 page countermotion on a separate topic.
3. Yusuf also provides an argument as to why portions of this new countermotion should not be heard now—but rather in conjunction with another, unrelated claim (Y-12 "Foreign Accounts and Jordanian Properties"). Hamed *adamantly* submits that this is not the case—and allowing this would either delay, or more likely avoid, the scheduled depositions and dispositive motions in the next few weeks.
4. Because the countermotion is on another topic, it contains a full 'Statement of Material Facts not in Dispute' (labeled as a counterstatement of facts despite the concession that it has nothing to do with the Hamed's motion on record title.)
5. The countermotion would more properly be filed as an Opposition to Hamed's scheduled (April 1st, 2020) dispositive motion as to "ownership" of the Tutu property. It is possible that Yusuf feared that, having achieved record title, Hamed would not file that motion and this could be the only opportunity for Yusuf to address the ownership issue. Hamed assures Yusuf, and commits to the Master that the motion will be filed before April 1st as ordered.
6. Apparently for the same reason set forth in paragraph 5, the countermotion also includes a full, extensive "Argument" section that cannot be left without response.
7. Thus, Hamed was forced to include both his original reply as to record title (of about 4 pages) and a 20 page counter-opposition. (Because of the expedited time period of

three days over a holiday weekend for the reply and the impending deposition, Hamed felt it would be imprudent and dilatory to first file a motion to strike.)

8. There are also a large number of footnotes and quotations from deposition testimony which are necessary to the understanding of the matters presented, and a number of images Hamed feels make certain points clearer.

Once again, Hamed thanks the Master for his patience in dealing with the peturbations involved in addressing this claims process, and assures him that both sets of counsel meet regularly *and do their very best to work these types of things out in advance*. However the volume and size of claims, the holidays and the unusual tensions between the litigants themselves often conspire to create unintended moments such as this.

Dated: December 22, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December, 2019, I served a copy of the foregoing by email, as agreed by the parties, on:

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CERTIFICATE OF WORD/PAGE COUNT

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