

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, MUFEED
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

**[CORRECTED] 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, Yusuf had gotten a fine counter-reply into the record, as was his obvious intent in filing this.

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

If the original motion as to record title pursuant to the 2008 Deed is all that is heard, the surreply is as irrelevant as the countermotion and counter-opposition (as Hamed stated in reply.) If it is really just a stealthy counter-reply to the counter-opposition regarding an alleged 2010-2011 oral settlement negotiation that isn’t before the Master here, 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 unusually awkward position for a party that used 19 of 20 pages in an opposition to raise a completely unrelated issue based on totally different facts that are three

years after the matters in the motion. The “new arguments supported by new evidence” are simply Hamed’s direct, matched, one-to-one responses to Yusuf’s new facts and arguments—the very definition of a reply. That is not the basis for a surreply.

Similarly, the two exhibits complained of are just (1) a *pro forma* declaration¹ on a basic, undisputable fact (state of title as determined at the Recorder of Deeds²) and (2) Hamed’s prosaic, *mandatory* response to the counter-statement of facts. Also not the basis for a surreply. As to the source of any “muddiness,” the Master can read the (very consistent) motion and initial portion of the reply in comparison to the fantastical “opposition” to decide this question.

Dated: January 7, 2020



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¹ Despite an uncontroversial declaration as to record title being just about as *utterly* routine as a supporting declaration can possibly get, this may just seem disorienting to Yusuf because he favors vast swaths of casually unsworn ‘testimony’ in the body of his papers—over actual, sworn factual declarations—and very rarely supplies them. This is a point that has been made often by Hamed.

² Yusuf does not suggest this is incorrect, controversial, or incapable of being determined in ten minutes. It is *certainly* not a basis for a surreply.

CERTIFICATE OF SERVICE

I hereby certify that on this 7th 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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CERTIFICATE OF WORD/PAGE COUNT

This document complies with the limitations set forth in Rule 6-1 (c).

