

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

UNITED CORPORATION,  
Plaintiff,

v.

WADDA CHARRIEZ,

Defendant.

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WADDA CHARRIEZ,  
Counter-Claimant,

v.

UNITED CORPORATION,  
Defendant.

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WADDA CHARRIEZ,

Third-Party Plaintiff,

v.

FATHI YUSUF,

Third-Party Defendant.

Case No.:2013-CV- 152

ACTION FOR DAMAGES  
& RECOUPMENT

JURY TRIAL DEMANDED

**THIRD PARTY PLAINTIFF CHARRIEZ'S RULE 55 MOTION FOR ENTRY OF  
DEFAULT AGAINST THIRD PARTY DEFENDANT YUSUF ON HER FIRST  
AMENDED THIRD PARTY COMPLAINT**

On August 29, 2013, the Defendant/Third Party Plaintiff, Wadda Charriez, filed and served her First Amended Third Party Complaint against Fathi Yusuf. See **Exhibit 1**. However, Yusuf has never filed an answer to the First Amended Third Party Complaint. See **Exhibit 1**.

Pursuant to Rule 14, a third party defendant must comply with the time periods set forth in Rule 12(a) in answering the third party complaint, which gives the third party defendant 21 days to file an answer or responsive pleading after being served.

As no answer has been filed to the First Amended Third Party Complaint, Yusuf is in default. As such, the Third Party Plaintiff hereby moves for Entry of Default against the Third Party Defendant, Fathi Yusuf, pursuant to Rule 55(a).

It should be noted that any request for leave to file an answer to the First Amended Third Party Complaint out of time is barred by the express terms of the stipulated scheduling Order approved by this Court on October 16, 2019, which expressly provided in paragraph 3 as follows:

3. No motions to amend the pleadings to add claims, **defenses**, and/or parties are needed.

As such, it is hereby respectfully requested that this Court enter an Order of Default against Fathi Yusuf on Charriez's First Amended Third Party Complaint.

A proposed Order is being submitted with this motion for Entry of Default.

**Date:** February 27, 2020



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Joel H. Holt, VI Bar No. 6  
Law Office of Joel H. Holt, P.C.  
*Counsel for the Plaintiff*  
2132 Company Street  
Christiansted, St. Croix  
USVI, 00820  
(340) 773-8709  
[holtvi@aol.com](mailto:holtvi@aol.com)

CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page limitation set forth in Rule 6-1(e), and was served this 27th day of February, 2020, by , I served a copy of the foregoing by email, as agreed by the parties, on:

Glenda Cameron, Esq.  
Law Offices of K.G. Cameron  
294 King Cross Street  
Christiansted, VI 00820  
kglenda@cameronlawvi.com  
(340) 773-3444

Charlotte Perrell, Esq.  
Dudley Newman Feuerzeig LLP  
Law House  
1000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00804  
cperrell@dnhfvi.com  
(340) 715-4405

A handwritten signature in blue ink is written over a horizontal black line. The signature is stylized and appears to be the initials 'JN'.

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JURY TRIAL DEMANDED

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UNITED CORPORATION,  
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FATHI YUSUF,

Third-Party Defendant.

**DECLARATION OF JOEL H. HOLT**

I, Joel H. Holt, declare, pursuant to V.I. R. CIV. P. 84, as follows:

1. I am counsel of record for Wadda Charriez in the above captioned matter and am familiar with the facts set forth herein.
2. Charriez filed her First Amended Third Party against Fathi Yusuf on August 29, 2013, which was served on his counsel of record in this case on that same date.
3. While Yusuf's counsel appeared in this case on August 20, 2013, and was served the Third Party Complaint on August 29, 2013, Yusuf has failed to file a responsive pleading to the First Amended Third Party Complaint within the time prescribed by law and has likewise never moved for leave to file his answer to the First Amended Third Party Complaint out of time.
4. As such, Yusuf is in default for failing to respond to the First Amended Third Party Complaint.

I declare under penalty of perjury that the foregoing is true and correct, executed on this 27th day of February, 2020.

  
\_\_\_\_\_  
JOEL H. HOLT

Blumberg No. 5208

EXHIBIT

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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
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Case No.: 2013-CV-152

ACTION FOR DAMAGES  
& RECOUPMENT

JURY TRIAL DEMANDED

**ORDER**

This matter is before the Court on the Rule 55(a) motion of Third Party Plaintiff, Wadda Charriez, for Entry of Default against the Third Party Defendant, Fathi Yusuf, on her August 29, 2013, First Amended Third Party Complaint asserted against Yusuf, as Yusuf failed to file a responsive pleading within the time permitted by law or to otherwise seek leave to file an answer out of time. Upon consideration of the matters before the Court, the motion is **Granted** and:

An Order of Default is entered against the Third Party Defendant, Fathi Yusuf, pursuant to Rule 55(a) on the First Amended Third Party Complaint filed against Yusuf on August 29, 2013.

DATED:

HONORABLE JUDGE JOMO MEADE  
Judge, Superior Court of the Virgin Islands

ATTEST: TAMARA CHARLES  
Clerk of Court

By: \_\_\_\_\_  
Deputy Clerk

Dist: Joel H. Holt, Glenda Cameron, Charlotte Perrell