

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,*

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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**

**HAMED'S SECOND MOTION TO EXCEED THE RULE 6.1(E)(2) LIMITATIONS  
AS TO HIS MOTION FOR SUMMARY JUDGMENT  
RE PARTIAL SUMMARY JUDGMENT FOR CLAIM H-142 (TUTU PARCEL)**

This motion asks the Master to allow enlargement of the page length and word count limits on Hamed's motion for 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. . . .

After filing, Attorney Hartmann discovered that Hamed's motion exceeds the page limitation by less than one page, and 4300 words, exclusive of the statement of material facts, headings, images, captions, etc. It is of this extended length due to the enumerated factors below. Hamed asks that the Special Master allow the excess.

### **Factors**

1. The motion was a combination of the motion for summary judgment and a related motion *in limine* to exclude affidavits and testimony of persons who participated in mediations that were settlement discussions. Many of the facts are identical, to make the filings less repetitive they were converted to just one document. When this happened the text designated for automatic counting was not updated—thus the Rule 6-1(a) certification by Attorney Hartmann was erroneous. The undersigned was solely responsible for the error, and apologizes to the Master and other parties.
2. Fortunately, this motion was filed well ahead of the time limit set by the Special Master. Thus, if the Master or one of the other parties would prefer, it can be withdrawn and the overage corrected prior to re-filing as two separate motions.
3. This is being filed as a motion for enlargement rather than simply withdrawing and re-filing to avoid another wave of unnecessary, duplicative documents.

**Dated:** February 4, 2020



**Carl J. Hartmann III, Esq.**

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**Joel H. Holt, Esq.**

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### CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February, 2019, I served a copy of the foregoing by email, as agreed by the parties, on:

**Hon. Edgar Ross**  
Special Master  
edgarrossjudge@hotmail.com

**Gregory H. Hodges**  
**Charlotte Perrell**  
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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).

