

**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

Consolidated with

Case No.: SX-2014-CV-287

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

vs.

UNITED CORPORATION, *Defendant.*

Consolidated with

Case No.: SX-2014-CV-278

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

vs.

FATHI YUSUF, *Defendant.*

Consolidated with

Case No.: ST-17-CV-384

FATHI YUSUF, *Plaintiff,*

vs.

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

Consolidated with

Case No.: ST-18-CV-219

KAC357 Inc., *Plaintiff,*

vs.

HAMED/YUSUF PARTNERSHIP,
Defendant.

**HAMED'S REPLY TO UNITED'S MOTION FOR RECONSIDERATION OF THE
SPECIAL MASTER'S MAY 5TH ORDER RE RENT FOR BAY 5 (Y-2 CLAIM)**

United has moved to reconsider one aspect of the Special Master's May 5th Order regarding back rent for Bay 5 from 1994 to 2001. In this regard, the Special Master found that there no "credible evidence to establish a reasonable and fair rental rate for the Partnership's use of Bay 5" for the 1994 to 2001 time period. That finding was sufficient to simply deny this claim, as it was United's burden to prove its damages by a preponderance of the evidence. Notwithstanding this fact, the Special Master still exercised his "significant discretion" and awarded damages.

In its motion for reconsideration, United does not cite the legal standard for granting such relief, which is set forth in V.I.R. Civ. P. 6-4(b) as follows:

A motion to reconsider must be based on:

- (1) intervening change in controlling law;
- (2) availability of new evidence;
- (3) the need to correct clear error of law; or
- (4) failure of the court to address an issue specifically raised prior to the court's ruling.

Where ground (4) is relied upon, a party must specifically point out in the motion for reconsideration where in the record of the proceedings the particular issue was actually raised before the court.

A review of United's May 25th motion for reconsideration confirms that none of these factors would apply, as United's motion did not raise (1) any alleged change in any controlling law, (2) any alleged new evidence, (3) any "clear error" in the Master's significantly "discretionary" ruling or (4) any alleged issue the Special Master failed to address in his 45 page opinion.

To the contrary, the Master addressed all of the evidence that United rehashes in its motion for reconsideration, but found that none of the matters raised created any credible basis for calculating rent for a vacant space that no third party wanted to rent. Thus, United's motion for reconsideration should be denied. Indeed, if anything, the Master should reconsider, exercising his considerable discretion again, and disallow

the award since no third party tenant wanted to rent this space during the time period
in question.

Counsel for Hamed

Dated: May 26, 2021



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CERTIFICATE OF SERVICE AND COMPLIANCE WITH RULE 6-1(e)

I hereby certify that the above document meets the requirements of Rule 6-1(e) and was served this 26th day of May, 2021. I served a copy of the foregoing by email (via CaseAnywhere), as agreed by the parties, on:

Hon. Edgar Ross
Special Master
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/s/ Joel H. Holt _____