

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,

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.*

FATHI YUSUF, *Plaintiff,*

vs.

MOHAMMAD A. HAMED TRUST, *et al,*

Defendants.

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 MOTION TO COMPEL RE REVISED CLAIM Y-10 –
PAST PARTNERSHIP WITHDRAWALS**

I. INTRODUCTION

This is a companion motion -- Hamed has simultaneously filed a Motion for Summary Judgment regarding Yusuf's revised claim Y-10 – Past Partnership Withdrawals. If Hamed's summary judgment motion is denied, however, Hamed will require discovery responses that Yusuf has refused to provide despite Hamed's inquires and motions. Yusuf has refused to produce documents that would allow Hamed to defend this claim.

II. Procedural Process

In 2018, the Parties exchanged discovery pursuant to the August 4, 2018 Scheduling Order. After responses were produced on May 15, 2018, the parties entered into a series of letters and Rule 37 conferences to resolve their differences. Some issues were resolved, but Yusuf refused to provide any responses on this claim.

A Second Amended Joint Discovery and Scheduling Plan was filed on June 14, 2021. The following motion pertains to one Hamed revised claim only: Y-11 — Lifestyle Analysis.

III. Facts

A. Yusuf's unanswered interrogatory 49 of 50

On March 31, 2018, Hamed propounded the following interrogatory:

Interrogatory 49 of 50:

With regard to the post September 17, 2006 claims in Y-10, and more specifically your "J-2" Exhibit to *Yusuf's Amended Accounting Claims Limited to Transactions Occurring on or after September 17, 2006*, dated October 30, 2017, explain in detail with reference to witnesses, documents, dates and amounts, why the claim and referenced exhibit reflect the following: there appears to be only one \$2,000 amount (Maher) for withdrawals from the Partnership with a signed ticket/receipt and payments to third parties on behalf of Hamed/Yusuf with partnership funds for the Yusufs during the entire eight year period between 2006 and 2014 – where

are all of those amounts; also, with regard to the attorney's fees in BDO Table 38A you list five attorney's fees checks as credits to Hamed—explain in detail why did you not include the four checks in BDO Table 38B as similar credits; also, why is the amount listed as owed by Waleed Hamed \$1,778,103 rather than the \$1,600,000 that has always been discussed and is listed in the August 15, 2012 letter referenced on Exhibit J-2?¹(**Exhibit 1**)

On May 15, 2018, Yusuf provided an incomplete response to Hamed's interrogatory:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections as to this Interrogatory, after the ruling from Judge Brady limiting the partnership accounting from September 17, 2006 through the present (the "Limitation Order"), BDO revised the Summary Table filed with Yusuf's Amended Claims as Exhibit J-2 to eliminate those allocations prior to this time limitation, except for those relating to the acknowledged debt and receipts as of the time of the raid as set forth in the August 15, 2012 letter. All of the originally produced corresponding tables were not updated to reflect the removal of the allocations following the issuance of the Limitation Order. All of the supporting documentation is set forth in the J-1 flashdrive that was provided to Hamed on October 4, 2016. (**Exhibit 2**)

On October 31, 2018, Hamed sent a letter to Yusuf's counsel requesting a Rule 37 conference on Interrogatory 49. (**Exhibit 3**) In a follow up letter documenting the contents of the Rule 37 conference, Yusuf's attorney agreed in the Rule 37 conference

. . . to provide additional information regarding the unexplained withdrawals attributed to Waleed Hamed by December 15, 2018 (see interrogatory 41 and RFPDs 23 and 24). Further, Attorney Perrell agreed this interrogatory would be covered by the stipulation, "2018-11-26 With Greg's requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2," emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018. (**Exhibit 4**)

¹ Hamed is withdrawing his request regarding the attorney's fees checks here but may request further, limited discovery, as that matter will be handled, by joint agreement of the parties, in a separate summary judgment motion by the parties.

The stipulation was never signed and no supplemental information regarding this interrogatory was ever provided, so this interrogatory remains unanswered at the time of this motion.

B. Yusuf's unanswered request for the production of documents 23-24 of 50

1. RFPD 23

On February 25, 2018, Hamed propounded the following request for the production of documents (RFPDs) 23 of 50.

RFPDs 23 of 50:

Request for the Production of Documents, 23 of 50, relates to Y-10, "Past Pship Withdrawals – Receipts."

With respect to Y-10, please provide all documents substantiating the alleged \$237,352.75 in "[w]ithdrawals from the partnership with a signed ticket/receipt" by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)," attached to Yusuf's Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017. (**Exhibit 5**)

On May 15, 2018, Yusuf responded to Hamed's request RFPD 23 of 50:

All documents supporting has been previously provided in the Tables to the BDO Reports and supporting documentation provided to Hamed on October 4, 2016. (**Exhibit 6**)

This wasn't true. The previously provided tables absolutely did not explain and document the amount. (**Exhibits 7 and 9**) On October 31, 2018, Hamed sent a letter to Yusuf's counsel requesting a Rule 37 conference on RFPD 23. (**Exhibit 3**) On November 12, 2018, the parties held a Rule 37 conference. At that conference, Yusuf's counsel indicated that this RFPD would be supplemented. That information was documented in a letter to Yusuf by Hamed on November 28, 2018, where Yusuf's attorney:

. . .agreed provide documentation substantiating the alleged \$237,352.75 in withdrawals by Waleed Hamed, as referenced in the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)," by December 15, 2018. **(Exhibit 4)**

As the date of this motion, Yusuf has not supplemented this RFPD, so the request is still outstanding.

2. RFPD 24

On February 25, 2018, Hamed propounded the RFPDs 24 of 50.

RFPDs 24 of 50:

Request for the Production of Documents, 24 of 50, relates to Y-10, "Past Pship Withdrawals – Receipts."

With respect to Y-10, please provide all documents substantiating the alleged \$20,311.00 in "[p]ayments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks" by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)," attached to Yusuf's Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017. **(Exhibit 5)**

On May 15, 2018, Yusuf responded to Hamed's RFPD 24 of 50:

All documents supporting has been previously provided in the Tables to the BDO Reports and supporting documentation provided to Hamed on October 4, 2016. **(Exhibit 6)**

This answer was clearly and demonstrably false. The BDO reports absolutely did not show any supporting data for the \$20,311.00 in "[p]ayments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks." **(Exhibits 8 and 9)**

Like all of these charts, these are summary statements.

On October 31, 2018, Hamed sent a letter to Yusuf's counsel requesting a Rule 37 conference on RFPD 24. (**Exhibit 3**) On November 28, 2018 in a follow up letter documenting the contents of the Rule 37 conference, Yusuf's counsel:

. . . agreed provide documentation substantiating the alleged \$20,311.00 in "[p]ayments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks" by Waleed Hamed, as referenced in the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)," by December 15, 2018. (**Exhibit 4**)

As of the date of this motion to compel, Yusuf's counsel has not supplemented RFPD 24.

IV. Argument

This Motion to Compel is submitted pursuant to the Second Amended Joint Discovery and Scheduling Plan of June 14, 2021.

A. Applicable Discovery Rules

1. Rule 26 Duty to Disclose; General Provisions Governing Discovery

Rule 26 of Virgin Islands Rules of Civil Procedure ("Rule 26") is the foundational rule governing discovery. It broadly allows discovery regarding "**any nonprivileged matter that is relevant to any party's claim or defense**. Information within this scope of discovery need not be admissible in evidence to be discoverable." V.I. R. CIV. P. 26(b)(1), emphasis added.

2. Rule 33 of the Virgin Islands Rules of Civil Procedure

Rule 33 of the Virgin Islands Rules of Civil Procedure ("Rule 33"), among other things, identifies the duties of the party responding.

(a) Answers and Objections.

* * * *

(3) Answering Each Interrogatory. Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath.

(4) Objections. The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure.

3. Rule 34 of the Virgin Islands Rules of Civil Procedure

Rule 34 of the Virgin Islands Rules of Civil Procedure (“Rule 34”), among other things, identifies the scope of the document production and the duties of the party responding.

(a) In General. A party may serve on any other party a request within the scope of Rule 26(b): (1) to produce and permit the requesting party or its representative to inspect, copy, test, or sample the following items in the responding party's possession, custody, or control: (A) any designated documents or electronically stored information. . .

B. Yusuf refuses to respond to Hamed’s interrogatory 49

Interrogatory 49 directly relates to information needed by Hamed to defend against this claim. The first part of the interrogatory questions why, on the Yusuf side of the ledger, there is **only one withdrawal in the amount of \$2,000 for the entire Yusuf family for an eight-year period from 2006-2014**. The interrogatory asks Yusuf to “explain in detail with reference to witnesses, documents, dates and amounts, why the claim and referenced exhibit reflect the following: there appears to be only one \$2,000 amount (Maher) for withdrawals from the Partnership with a signed ticket/receipt and payments to third parties on behalf of Hamed/Yusuf with partnership funds for the Yusufs.” This information is necessary for Hamed’s defense of determining the true amount of withdrawals for both families for the 2006-2014 time period.

The second part of the interrogatory references “why is the amount listed as owed by Waleed Hamed \$1,778,103 rather than the \$1,600,000 that has always been discussed

and is listed in the August 15, 2012 letter referenced on Exhibit J-2.” This most likely is a math error, but Hamed needs Yusuf to respond in order to determine what exactly is going on with this part of the claim.

The BDO chart lists an amount of \$1,778,103.00 attributable to Wally Hamed. (**Exhibit 9**) As the sole support for this amount, BDO produced an August 15, 2012 letter that Fathi Yusuf sent to Mohammad Hamed outlining three items going into the \$1,778,103.00 amount: 1) \$1.6 million in alleged past withdrawals; 2) \$44,355.50 allegedly in a St. Maarten account; and 3) \$44,696.00 allegedly in a Cairo Amman Bank account. When Hamed adds up those three amounts, he arrives at a total of \$1,689,051.50. (**Exhibit 10**) In a September 24, 2018 Order, the Special Master struck the \$1.6 million in withdrawals subsequent to the time the BDO J-2 chart was prepared. Removing the \$1.6 million leaves a remaining total of either \$178,103.00 (the BDO amount) or \$89,051.50, the total amount of the two foreign bank accounts. Whichever is correct, Hamed needs to know for his defense which number Yusuf believes is correct and an explanation and support for how that number was derived.

C. Yusuf refuses to produce documents for RFPDs 23-24

RFPD 23 and 24 are ridiculously easy to respond to, yet Hamed has had no luck getting Yusuf to produce the requested documents despite the numerous attempts described. Again, both requests ask Yusuf to support the new numbers on the BDO J-2 chart, specifically \$237,352.75 in “[w]ithdrawals from the partnership with a signed ticket/receipt” by Waleed Hamed” and \$20,311.00 in “[p]ayments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks” by Waleed Hamed.” **BDO does not provide documentation for either amount in the charts or flash drive**

it produced at the time of the original report on September 30, 2016. All the documents BDO produced as evidence for these two categories predates the September 17, 2006 cutoff date described in Judge Brady's Limitation Order. (**Exhibits 7 and 8**) Accordingly, Hamed requests that the Master order Yusuf to produce ALL of the relevant documents.

V. Conclusion

Hamed's interrogatory and request for documents discussed above clearly fall within Rule 26's scope allowing discovery regarding "**any nonprivileged matter that is relevant to any party's claim or defense.**" (Emphasis added). Hamed has patiently been trying to get responses to this discovery since *May 15, 2018*, with no success. Accordingly, Hamed respectfully requests that the Master compel Yusuf to answer Interrogatory 49 and RFPDs 23-24.

Dated: August 2, 2021



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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of August 2021, I served a copy of the foregoing by email (via CaseAnywhere), as agreed by the parties, on:

Hon. Edgar Ross
Special Master
edgarrossjudge@hotmail.com

Charlotte Perrell
Stefan Herpel
Law House, 10000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00802
Cperrell@dnfvi.com
Sherpel@dnfvi.com



CERTIFICATE OF COMPLIANCE WITH RULE 6-1(e)

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



CERTIFICATE OF COMPLIANCE WITH RULE 37(a)(1)

I hereby certify that I made the required efforts in good faith to confer with counsel for United and Yusuf in order to obtain the foregoing requested information.

Dated: August 2, 2021



Exhibit 1

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

**ACTION FOR DECLARATORY
JUDGMENT**

JURY TRIAL DEMANDED

Consolidated with

Case No.: SX-2014-CV-278

**ACTION FOR DEBT AND
CONVERSION**

JURY TRIAL DEMANDED

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.

EXHIBIT

1

Pursuant to the stipulated *Joint Discovery Plan*, as ordered by the Special Master on January 29, 2018, Hamed propounds the following Eighth Claims Interrogatories -- more particularly, interrogatory numbered 49 of 50, relating to Yusuf claim Y-10.

Interrogatory 49 of 50:

With regard to the post September 17, 2006 claims in Y-10, and more specifically your "J-2" Exhibit to *Yusuf's Amended Accounting Claims Limited to Transactions Occurring on or after September 17, 2006*, dated October 30, 2017, explain in detail with reference to witnesses, documents, dates and amounts, why the claim and referenced exhibit reflect the following: there appears to be only one \$2,000 amount (Maher) for withdrawals from the Partnership with a signed ticket/receipt and payments to third parties on behalf of Hamed/Yusuf with partnership funds for the Yusufs during the entire eight year period between 2006 and 2014 – where are all of those amounts; also, with regard to the attorney's fees in BDO Table 38A you list five attorney's fees checks as credits to Hamed—explain in detail why did you not include the four checks in BDO Table 38B as similar credits; also, why is the amount listed as owed by Waleed Hamed \$1,778,103 rather than the \$1,600,000 that has always been discussed and is listed in the August 15, 2012 letter referenced on Exhibit J-2?

RESPONSE:

Dated: March 31, 2018



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Counsel for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March, 2018, I served a copy of the foregoing by email (via CaseAnywhere), as agreed by the parties, on:

Hon. Edgar Ross

Special Master

% edgarrossjudge@hotmail.com

Gregory H. Hodges

Stefan Herpel

Charlotte Perrell

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CERTIFICATE OF COMPLIANCE WITH RULE 6-1(e)

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



Exhibit 2

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

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

Plaintiff/Counterclaim Defendant,)

v.)

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

v.)

WALEED HAMED, WAHEED HAMED,)
MUFEED HAMED, HISHAM HAMED, and)
PLESSEN ENTERPRISES, INC.,)

Additional Counterclaim Defendants.)

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

Plaintiff,)

v.)

UNITED CORPORATION,)

Defendant.)

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

Plaintiff,)

v.)

FATHI YUSUF,)

Defendant.)

FATHI YUSUF and)
UNITED CORPORATION,)

Plaintiffs,)

v.)

THE ESTATE OF MOHAMMAD HAMED,)
Waleed Hamed as Executor of the Estate of)
Mohammad Hamed, and)
THE MOHAMMAD A. HAMED LIVING TRUST,)

Defendants.)

CIVIL NO. SX-12-CV-370

ACTION FOR INJUNCTIVE
RELIEF, DECLARATORY
JUDGMENT, AND
PARTNERSHIP DISSOLUTION,
WIND UP, AND ACCOUNTING

Consolidated With

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES AND
DECLARATORY JUDGMENT

CIVIL NO. SX-14-CV-278

ACTION FOR DEBT AND
CONVERSION

CIVIL NO. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

EXHIBIT

2

DUDLEY, TOPPER
AND FEUERZEIG, LLP

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**RESPONSES TO HAMED'S EIGHTH INTERROGATORIES PER THE CLAIM
DISCOVERY PLAN OF 1/29/2018 NOS. 49 OF 50**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Eighth Set of Interrogatories per the Claims Discovery Plan of 1/29/2018, Nos. 49 of 50.

GENERAL OBJECTIONS

Defendants make the following general objections to the Interrogatories. These general objections apply to all or many of the Interrogatories, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Request to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Interrogatories, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:

(1) Defendants object to these Interrogatories to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Defendants object to these Interrogatories to the extent that they use the words "any" and "all" as being overly broad, unduly burdensome, immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

(3) Defendants object to these Interrogatories to the extent they seek information which is protected by the attorney-client privilege or work-product doctrine, including information prepared in anticipation of litigation, or for trial, by or on behalf of Defendants or

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AND FEUERZEIG, LLP**

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HAMD660466

~~(8) Defendants object to these Interrogatories to the extent that they are compound and not a single Request. Hence, these Interrogatories should be counted as more than a single Request such that when all of the subparts are included together with other Interrogatories they exceed the 50 Interrogatories allowed in the Joint Discovery and Scheduling Plan ("JDSP").~~

RESPONSES TO INTERROGATORIES

Interrogatory 49:



With regard to the post September 17, 2006 claims in Y-10, and more specifically your "J-2" Exhibit to *Yusuf's Amended Accounting Claims Limited to Transactions Occurring on or after September 17, 2006*, dated October 30, 2017, explain in detail with reference to witnesses, documents, dates and amounts, why the claim and referenced exhibit reflect the following: there appears to be only one \$2,000 amount (Maher) for withdrawals from the Partnership with a signed ticket/receipt and payments to third parties on behalf of Hamed/Yusuf with partnership funds for the Yusufs during the entire eight year period between 2006 and 2014 – where are all of those amounts; also, with regard to the attorney's fees in BDO Table 38A you list five attorney's fees checks as credits to Hamed-explain in detail why did you not include the four checks in BDO Table 38B as similar credits; also, why is the amount listed as owed by Waleed Hamed \$1,778,103 rather than the \$1,600,000 that has always been discussed and is listed in the August 15, 2012 letter referenced on Exhibit J-2?

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections as to this Interrogatory, after the ruling from Judge Brady limiting the partnership accounting from September 17, 2006 through the present (the "Limitation Order"), BDO revised the Summary Table filed with Yusuf's Amended Claims as Exhibit J-2 to eliminate those allocations prior to this time limitation, except for those relating to the acknowledged debt and receipts as of the time of the raid as set forth in the August 15, 2012

letter. All of the originally produced corresponding tables were not updated to reflect the removal of the allocations following the issuance of the Limitation Order. All of the supporting documentation is set forth in the J-1 flashdrive that was provided to Hamed on October 4, 2016.

**DUDLEY, TOPPER
AND FEUERZEIG, LLP**

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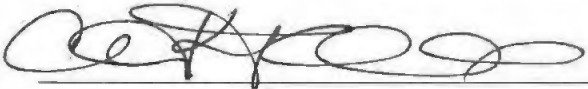
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HAMD660469

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By: 

CHARLOTTE K. PERRELL

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*Attorneys for Fathi Yusuf and United
Corporation*

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S EIGHTH INTERROGATORIES PER THE CLAIMS DISCOVERY PLAN OF 1/29/2018, NOS. 49 OF 50** to be served upon the following via Case Anywhere docketing system:

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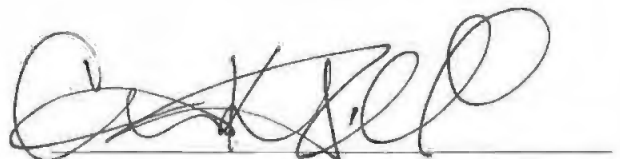
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HAMD660470

Exhibit 3

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October 31, 2018

Charlotte Perrell, Esq.
DTF
Law House
St. Thomas, VI 00820

Via Email Only

RE: Request for Rule 37 Conference re Claims Discovery Responses, Letter 2 of 2

Dear Attorney Perrell:

As discussed in the telephone conference three weeks ago, this is the second of two letters requesting a Rule 37 telephone conference regarding the Yusuf/United responses to the referenced discovery. The deficient discovery requests are separated into five categories. The first letter covered items 1-4, while this second letter deals with the remaining discovery responses that are just generally deficient.

- 1) KAC357, Inc. claims (Previously denied because of relevance – the case has since been filed separately and then consolidated),
- 2) Clams requiring John Gaffney's assistance (previously denied because Yusuf filed a motion seeking to have these transferred to Part-A, Gaffney Analysis, but that having since been denied),
- 3) Claims response pending determination of Yusuf's Motion to Strike (which has since been denied),
- 4) Claims responses where Yusuf indicated further information or supplementation would be forthcoming – but nothing has been received yet, and
- 5) Claim discovery responses that are generally deficient.

EXHIBIT
3

verbatim.

Deficiency for Interrogatory 47: Yusuf's answer is completely unresponsive. Please answer the interrogatory regarding the receipts and ledgers:

- Explain in detail
 - How it is possible to have a complete accounting of the ledgers when some transactions were included in ledgers, but others in receipts
 - How it is possible to have a complete accounting when some of those receipts and ledgers were intentionally destroyed?

Interrogatory 48 of 50:

Please describe Joint Defense agreement ("JDA") in *United States of America v United Corp., et. al.*, VI D.Ct. 2005-cr-015 referenced in the Declaration of Gordon C. Rhea, Esq. on March 2, 2017 (**EXHIBIT B**). In your description, please include, but not limited to, what defendants were covered, what attorneys were paid under the agreement, the terms of how payment should be made to the defendants' attorneys, how those payments were made, by whom the payments were made, when the payments were made, expert fees and expenses and the time period the JDA was in effect. Also describe how litigation decisions were made, who had conversations with attorneys directing their activities and which Defendants chose what would be stated in pleadings. (The response to this may be filed under seal if Yusuf asserts privilege or confidentiality, however, Hamed waives any such privilege or confidentiality.)

RESPONSE:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Defendants further object to this Interrogatory because they do not currently possess a fully executed version of the JDA to compare with their unexecuted version. Without waiving any objections to this Interrogatory, Defendants state that the JDA is a document prepared by Attorney Rhea, counsel for Waleed Hamed, which speaks for itself and does not address the payment of attorneys.

Deficiency for Interrogatory 47: Without regard to the matters objected to, the inquiry must be answered. This is not a hypothetical question about the meaning of the JDA, but rather what concrete acts occurred.

Interrogatory 49 of 50

With regard to the post September 17, 2006 claims in Y-10, and more specifically your "J-2" Exhibit to Yusuf's Amended Accounting Claims

Limited to Transactions Occurring on or after September 17, 2006, dated October 30, 2017, explain in detail with reference to witnesses, documents, dates and amounts, why the claim and referenced exhibit reflect the following: there appears to be only one \$2,000 amount (Maher) for withdrawals from the Partnership with a signed ticket/receipt and payments to third parties on behalf of Hamed/Yusuf with partnership funds for the Yusufs during the entire eight year period between 2006 and 2014 - where are all of those amounts; also, with regard to the attorney's fees in BDO Table 38A you list five attorney's fees checks as credits to Hamed- explain in detail why did you not include the four checks in BDO Table 38B as similar credits; also, why is the amount listed as owed by Waleed Hamed \$1,778,103 rather than the \$1,600,000 that has always been discussed and is listed in the August 15, 2012 letter referenced on Exhibit J-2?

Response:

Defendants object to this interrogatory as vague, ambiguous, and compound such that the total number of interrogatories together with their sub parts and other discovery exceeds the maximum allowable number of interrogatories under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of interrogatory questions.

Without waiving any objections as to this Interrogatory, after the ruling from Judge Brady limiting the partnership accounting from September 17, 2006 through the present (the "Limitation Order"), BDO revised the Summary Table filed with Yusuf's Amended Claims as Exhibit J-2 to eliminate those allocations prior to this time limitation, except for those relating to the acknowledged debt and receipts as of the time of the raid as set forth in the August 15, 2012 letter. All of the originally produced corresponding tables were not updated to reflect the removal of the allocations following the issuance of the Limitation Order. All of the supporting documentation is set forth in the J-1 flashdrive that was provided to Hamed on October 4, 2016.

Deficiency for Interrogatory 49: Yusuf's answer is unresponsive. With regard to the post September 17, 2006 claims in Y-10, and more specifically your "J-2" Exhibit to Yusuf's Amended Accounting Claims Limited to Transactions Occurring on or after September 17, 2006, dated October 30, 2017:

- Explain in detail
 - Why there is only one withdrawal for all of the Yusuf family members for an entire 8-year period from 2006 through 2014 in two categories: "[w]ithdrawals from the partnership with a signed ticket/receipt" and "[p]ayments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks"

- Why did you not include the four checks to attorneys in BDO Table 38B as a credit to Hamed similar to what you did in BDO Table 38A where you listed five attorney's fees checks as credits to Hamed [Note Tables 38A & 38B list documents from 2010-2013 and wouldn't have been affected by Judge Brady's order limiting claims from September 17, 2006-the present].
- The \$178,103 difference between \$1,778,103.00 listed on Exhibit J-2 and the \$1,600,000 amount stricken by the Master's September 24 ,2018 Order. The August 15, 2012 letter supporting this amount identified by BDO doesn't explain the \$178,103 difference, nor do any of the other BDO back up documents.

~~Deficiencies Regarding Responses to Request for the Production of Documents~~

Request for the Production of Documents 2 of 50:

RFPDs number 2 of 50 relates to Claim H-33 (previously identified as 338) – described in the claims list as "Merrill Lynch accounts that still existed in 2012 (ML-140-21722, ML-140-07884 and ML-140-07951) financed with Partnership funds."

Please provide all documents related to the following Merrill Lynch accounts from 9/17/2006 through the present: ML 140-21722, ML 140-07884 and ML 140-07951. Documents should include, but not be limited to, documents identifying the origins of the deposits into each Merrill Lynch account and the Merrill Lynch statements.

March 1, 2018 Original Response:

Yusuf objects to this Request at [sic] these accounts are not his accounts and thus, "the proposed discovery is not relevant to any party's claim or defense." V.I. R. Civ. P. 26(b)(2)(C)(iii). ML140-21722 is in the name of Fathieh Yousef, who is Yusuf's niece. ML-140-07884 and ML-140-07951 are accounts in the name of Hamdan Diamond and are not Yusuf's accounts. To the extent that payments were made to Hamdan Diamond, they were in repayment of loans. Partnership funds were deposited in to the United Merrill Lynch account ML-140-07759. See, *Yusuf's Response to Hamed's Request for Production of Documents Pursuant to the Claims Discovery Plan of 1/29/2018, Nos. 1-5 of 50 - As To: H-21 - Payment of Nejeah Yusuf Credit Card Bill, H-33 Merrill Accounts Financed with Partnership Funds, H-149, Seaside Market & Deli, LLC., March 1, 2018, p. 5.*

April 17, 2018 Supplemental Response:

Yusuf maintains his objection as to relevance, but also shows that upon diligent search, he does not have copies of any statements relating to the Hamdan Diamond Accounts 140-07884 and ML-140-07951 for the years ~~sought in this request and to the extent that former statements were sent~~

~~and put the re-payment in 2012, well within the time limits of Judge Brady's accounting order.~~

~~Please respond to RFPDs 19 of 50.~~



RFPDs 23 of 50:

Request for the Production of Documents, 23 of 50, relates to Y-10, "Past Pship Withdrawals - Receipts."

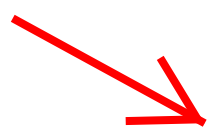
With respect to Y-10, please provide all documents substantiating the alleged \$237,352.75 in "[w]ithdrawals from the partnership with a signed ticket/receipt" by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, title "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership' accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)," attached to Yusuf s Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017.

Response:

All documents supporting has been previously provided in the Tables to the BDO Reports and supporting documentation provided to Hamed on October 4, 2016. See, *Response to Hamed's Fourth Request for Production of Documents Nos. 19-27 of 50 Pursuant to the Claims Discovery Plan*, May 15, 2018, pp. 8-9.

Deficiency for RFPDs 23 of 50: The documents provided in support of the Tables to the BDO reports provided on October 4, 2016 do not substantiate the alleged \$237,352.75 in "[w]ithdrawals from the partnership with a signed ticket/receipt" by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, title "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership' accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court).

Please provide the documentation substantiating the alleged \$237,352.75 in withdrawals.



RFPDs 24 of 50:

Request for the Production of Documents, 24 of 50, relates to Y-10, "Past Pship Withdrawals - Receipts."

With respect to Y-10, please provide all documents substantiating the alleged \$20,311.00 in "[p]ayments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks" by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawals from

Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)," attached to Yusuf s Amended Accounting Claims Limited to Transactions Occurring on or After September 17, 2001, filed on October 30, 2017.

Response:

All documents supporting has been previously provided in the Tables to the BDO Reports and supporting documentation provided to Hamed on October 4, 2016. See, *Response to Hamed's Fourth Request for Production of Documents Nos. 19-27 of 50 Pursuant to the Claims Discovery Plan*, May 15, 2018, pp. 9.

Deficiency for RFPDs 24 of 50: The documents provided in support of the Tables to the BDO reports provided on October 4, 2016 do not substantiate the alleged \$20,311.00 in "[p]ayments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks" by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)."

Please provide the documentation substantiating the alleged \$20,311.00 in withdrawals.

RFPDs 26 of 50:

Request for the Production of Documents, 26 of 50, relates to Y-11, "Lifestyle Analysis."

With respect to Y-11, please provide all bank account statements documenting deposits, all brokerage and retirement accounts documenting deposits and all credit card statements in the names of Fathi, Maher, Nejeh and Yusuf Yusuf (individually and any combination of joint accounts between them and all joint accounts with their spouses), from September 17, 2006 to September 30, 2016. Include but do not limit this to:

- All bank account statements documenting deposits or withdrawals
- All brokerage and retirement account statements documenting deposits or withdrawals
- All credit card statements

Response:

Defendants object to this Request for Production because it seeks personal financial information concerning Yusufs sons, who are not parties to this case.

Request to Admit 37 of 50.

Substantially the same as Yusuf RTA. Admit that the Partners agreed when the Partnership was formed that Fathi Yusuf would provide the services and use of United by the Partnership and the Partnership operated the three Plaza Extra Stores that way.

Response:

Defendants object to this request as vague and ambiguous as to the nature and scope of "the services and use of United by the Partnership."

Deficiency for RTA 37 of 50: This is an improper objection, as the request does not seek details of such use, only the fact that United was used in some manner by the Partnership. Thus, the proper response is admit.

Please let me know your availability to schedule the first Rule 37 as required by the Rule.

Sincerely,



cc: Joel H. Holt, Esq., Kimberly L. Japinga, Greg Hodges, Esq. & Stephan Herpel, Esq.

Exhibit 4

CARL J. HARTMANN III
ATTORNEY-AT-LAW
5000 ESTATE COAKLEY BAY, L-6
CHRISTIANSTED, VI 00820

TELEPHONE
(340) 642-4422

ADMITTED: USVI, NM & DC

KIMBERLY L. JAPINGA, (ADMITTED MI, DC)

EMAIL
CARL@CARLHARTMANN.COM

November 28, 2018

Charlotte Perrell, Esq.
DTF
Law House
St. Thomas, VI 00820

Via Email Only

RE: Summary of Rule 37 Conference re Claims Discovery Responses, Letter 2 of 2

Dear Attorney Perrell:

This letter summarizes our discussion and agreements regarding each of the outstanding discovery items from our Rule 37 conference on November 12, 2018.

Quick Summary:

The following claims are ready for Hamed to file his Claim's Motion now: H-15 (interrogatory 18) and H-150 (interrogatory 41).

The following discovery items are ready for Hamed to file his Motion to Compel now: interrogatories 33, 34, 35, 41 (as it relates to Y-11) and request for the production of documents 26, 28, 31 and 32.

Hamed withdraws the following discovery items: interrogatories 25, 28, 41 (as it relates to Y-3 and Y-4 only); request for production of documents 29, 41 (as it relates to ROGs 42 and 43 only), and request to admit 18 and 29.

Once the joint stipulation regarding documents and fact positions is signed, the following discovery items will be withdrawn: interrogatories 41 (as it relates to Y-12 only), 47 and RFPDs 33, 41 (as it relates to ROG 47 only) and RFPDs 43-47.

Once the joint stipulation regarding the documents contained in the BDO report is signed, the following discovery items will be withdrawn: request for production of documents 4 and 38.

EXHIBIT

4

HAMD663606

~~Interrogatory 48 of 50 – Relates to the Joint Defense Agreement in the criminal case~~

~~This interrogatory is held in abeyance until the Master rules on the parties' joint motion regarding attorneys' fees for the criminal case.~~

~~Interrogatory 49 of 50 – Relates to claim Y-10, Partnership Withdrawals~~

~~Attorney Perrell agreed to provide additional information regarding the unexplained withdrawals attributed to Waleed Hamed by December 15, 2018 (see interrogatory 41 and RFPDs 23 and 24). Further, Attorney Perrell agreed this interrogatory would be covered by the stipulation, "2018-11-26 With Greg's requested changes – mutuality – Joint Stipulation re docs fact positions not disclosed v.2," emailed to Attorneys Hodges and Perrell by Attorney Hartmann on November 26, 2018.~~

Request for Production of Documents

~~RFPDs 2 of 50 – Relates to Merrill Lynch accounts that still existed in 2012 (ML-140-21722, ML-140-07884 and ML-140-07951)~~

~~Attorney Perrell agreed to respond to this document request by December 15, 2018.~~

~~RFPDs 4 of 50 – Relates to Checks written to Fathi Yusuf for personal use~~

~~This request will be withdrawn when the stipulation in Interrogatory 37 is signed by both parties.~~

~~RFPDs 5 of 50 – Relates to the monitoring and accounting reports generated from 2006 through 2012.~~

~~The parties agree that this RFPDs will be covered by a joint letter sent to Attorney Randy Andreozzi requesting these reports.~~

~~RFPDs 6 of 50 – Relates to United's tenant bank account~~

~~Attorney Perrell has agreed to find out whether her client agrees to respond to this request as it relates to United's Tenant banking account from 2006 through May 15, 2018 before December 15, 2018. If her client does not agree to respond, this request will be ready for Hamed's Motion to Compel.~~

~~RFPDs 7 of 50 – Relates to the Partnership's ledgers~~

~~Attorney Perrell has agreed to respond to RFPD 7 by December 15, 2018.~~

~~RFPDs 19 of 50 – Relates to the reimbursement for sale of the Dorthea condo~~

~~Attorney Perrell stated that the defendants would be filing a Motion to Strike regarding this claim. She agreed to determine whether there were any more documents to produce related to this claim or whether she would submit a declaration from Fathi Yusuf listing the date he received payments for the Dorthea condo by December 15, 2018.~~

RFPDs 23 of 50 – Relates to Y-10, Partnership Distributions

Attorney Perrell agreed provide documentation substantiating the alleged \$237,352.75 in withdrawals by Waleed Hamed, as referenced in the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)," by December 15, 2018.

RFPDs 24 of 50 – Relates to Y-10, Partnership Distributions

Attorney Perrell agreed provide documentation substantiating the alleged \$20,311.00 in "[p]ayments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks" by Waleed Hamed, as referenced in the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)," by December 15, 2018.

~~RFPDs 26 of 50 – Relates to Y-11, Lifestyle Analysis~~

~~Attorney Perrell agreed that no more information would be forthcoming for the RFPDs related to Y-11 and therefore is ready for Hamed's Motion to Compel.~~

RFPDs 28 of 50 – Relates to financial statements or applications for financing for United, as well as Fathi, Mike, NejeH and Yusuf Yusuf or any company controlled more than 49%, submitted to any person or institution from September 17, 2006 to present

Attorney Perrell agreed that no more information would be forthcoming for the RFPDs 28 and therefore is ready for Hamed's Motion to Compel.

RFPDs 29 of 50 – Relates to any accountings prepared by or on behalf of United or any member of the Hamed or Yusuf families in the Criminal Case to demonstrate the Partnership's or United's income

~~Hamed agreed to withdraw RFPDs 29.~~

Requests to Admit

RTA 18 – Relates to no credit for expired (spoiled) inventory discovered at Plaza Extra West

Hamed withdraws RTA 18.

RTA 22 – Relates to the half-acre in Estate Tutu

Attorney Perrell agreed to respond to RTA 22 by December 15, 2018.

RTA 29 – Relates to loss of assets due to wrongful dissolution - attorney's fees

Hamed withdraws RTA 29.

RTA 37 – Relates to the Partners agreement that when the Partnership was formed, Fathi Yusuf would provide the services and use of United by the Partnership and the Partnership operated the three Plaza Extra Stores that way

~~Attorney Perrell agreed to respond to RTA 37 by December 15, 2018.~~

Sincerely,



Carl J. Hartmann

cc: Greg Hodges, Joel Holt and Kim Japinga

Exhibit 5

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**

**ACTION FOR DECLARATORY
JUDGMENT**

JURY TRIAL DEMANDED

Consolidated with

Case No.: **SX-2014-CV-278**

**ACTION FOR DEBT AND
CONVERSION**

JURY TRIAL DEMANDED

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.

EXHIBIT

5

**HAMED'S FOURTH REQUEST FOR THE PRODUCTION OF DOCUMENTS
19-27 OF 50 PURSUANT TO THE CLAIMS DISCOVERY PLAN OF 1/29/2018,**

AS TO
H-1: REIMBURSEMENT FOR SALE OF THE DORTHEA CONDO
H-144: \$900,000 ESTIMATED TAX PAYMENT
FOR UNITED CORPORATION SHAREHOLDERS
Y-2: RENT FOR BAYS 5 & 8
 **Y-10: PAST PSHIP WITHDRAWALS – RECEIPTS**
Y-11: LIFESTYLE ANALYSIS
Y-14: HALF OF VALUE OF SIX CONTAINERS

RFPDs 19 of 50:

Request for the Production of Documents, 19 of 50, relates to H-1 (old Claim No. 201): "Reimbursement for sale of the Dorthea condo."

With respect to H-1, please provide all documents relating to the payments received by Fathi Yusuf for the purchase of the Y & S Corporation 1000 shares, including, but not limited to, documents indicating the dates the payments were made to Fathi Yusuf and bank records showing the deposits of the payments made to Fathi Yusuf and any disbursements to the actual shareholders by Fathi Yusuf:

2. In consideration of the transfer of its 1000 shares of Y & S Corporation, Inc., Buyer agrees to pay to seller's nominee, Mr. Fathi Yusef of 9-C Princess Hill, St. Croix the sum of Nine Hundred Thousand (\$900,000.00) Dollars.
3. Price: The amount due and payable hereunder shall be paid over a period of four (4) years in four equal yearly installments, of Two Hundred and Twenty-Five Thousand (\$225,000.00) Dollars. The first installment shall become due on January 15, 2001, and the remaining installments shall become due on January 15, 2002, January 15, 2003, and January 15, 2004.
4. Interest: The installments due hereunder shall accrue interest on the outstanding balance at a rate of twelve percent (12 %) per annum until the entire balance is paid in full. Payment of interest is waived provided payment of each installment due is made within 30 days of the due date for such installment. In the event that an installment is late, the interest payable or accruable to the date of the late payment shall be paid to the IQRA School in St. Croix, United States Virgin Islands. Further, in the event of default, as default is defined hereunder, all interest accruable under this agreement shall be payable to the IQRA School. (See, HAMD601620- HAMD601624 at pp. HAMD601620-21)

Response:

HAMD656907

RFPDs 22 of 50:

Request for the Production of Documents, 22 of 50, relates to Y-10, "Past Pship Withdrawals – Receipts."

With respect to Y-10, please provide all documents demonstrating a reconciliation of the Plaza Extra West and St. Thomas stores receipts occurring at the same time as the Plaza Extra East reconciliation, as referenced as "[a]mount owed by Hamed family to Yusuf as per agreement before raid Sept 2001. As per Mike's testimony these tickets were burned ([r]efer to Letter dated August 15, 2012)" in the revised BDO Exhibit J-2, attached to Yusuf's Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017.


Response:

RFPDs 23 of 50:

Request for the Production of Documents, 23 of 50, relates to Y-10, "Past Pship Withdrawals – Receipts."

With respect to Y-10, please provide all documents substantiating the alleged \$237,352.75 in "[w]ithdrawals from the partnership with a signed ticket/receipt" by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)," attached to Yusuf's Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017.

Response:



RFPDs 24 of 50:

Request for the Production of Documents, 24 of 50, relates to Y-10, "Past Pship Withdrawals – Receipts."

With respect to Y-10, please provide all documents substantiating the alleged \$20,311.00 in "[p]ayments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks" by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)," attached to Yusuf's Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017.

Response:

RFPDs 25 of 50:

Request for the Production of Documents, 25 of 50, relates to Y-10, "Past Pship Withdrawals – Receipts."

With respect to Y-10, please provide all documents substantiating the alleged \$1,778,103.00 in the "[a]mount owed by Hamed family to Yusuf as per agreement before raid Sept 2001. As per Mike's testimony these tickets were burned ([r]efer to Letter dated August 15, 2012)" by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, titled "Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)," attached to Yusuf's Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017.

Response:

Dated: February 25, 2018



Carl J. Hartmann III, Esq.
Co-Counsel for Plaintiff
5000 Estate Coakley Bay, L6
Christiansted, VI 00820
Email: carl@carlhartmann.com
Tele: (340) 719-8941

Joel H. Holt, Esq.
Counsel for Plaintiff
Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, VI 00820
Email: holtvi@aol.com
Tele: (340) 773-8709
Fax: (340) 773-867

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February, 2018, 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
Stefan Herpel
Charlotte Perrell
Law House, 10000 Frederiksberg Gade
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St. Thomas, VI 00802
ghodges@dtflaw.com

Mark W. Eckard
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CERTIFICATE OF COMPLIANCE WITH RULE 6-1(e)

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



Exhibit 6

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

WALEED HAMED, as Executor of the)
Estate of MOHAMMAD HAMED,)
)
Plaintiff/Counterclaim Defendant,)

v.)

FATHI YUSUF and UNITED CORPORATION,)
)
Defendants/Counterclaimants,)

v.)

WALEED HAMED, WAHEED HAMED,)
MUFEED HAMED, HISHAM HAMED, and)
PLESSEN ENTERPRISES, INC.,)
Additional Counterclaim Defendants.)

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

v.)

UNITED CORPORATION,)
)
Defendant.)

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

v.)

FATHI YUSUF,)
Defendant.)

FATHI YUSUF and)
UNITED CORPORATION,)
)
Plaintiffs,)

v.)

THE ESTATE OF MOHAMMAD HAMED,)
Waleed Hamed as Executor of the Estate of)
Mohammad Hamed, and)
THE MOHAMMAD A. HAMED LIVING TRUST,)
)
Defendants.)

CIVIL NO. SX-12-CV-370

ACTION FOR INJUNCTIVE
RELIEF, DECLARATORY
JUDGMENT, AND
PARTNERSHIP DISSOLUTION,
WIND UP, AND ACCOUNTING

Consolidated With

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES AND
DECLARATORY JUDGMENT

CIVIL NO. SX-14-CV-278

ACTION FOR DEBT AND
CONVERSION

CIVIL NO. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

EXHIBIT
6

DUDLEY, TOPPER
AND FEUERZEIG, LLP
1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, U.S. V.I. 00804-0756
(340) 774-4422

**RESPONSE TO HAMED'S FOURTH REQUEST FOR PRODUCTION OF
DOCUMENTS NOS. 19-27 OF 50 PURSUANT TO THE CLAIMS DISCOVERY PLAN**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provide their Responses to Hamed's Fourth Request for Production of Documents Pursuant to the Claims Discovery Plan of 1/29/2018, as to H-1: Reimbursement for Sale of the Dorothea Condo H-144: \$900,00 Estimated Tax Payment Four United Corporation Shareholders Y-2: Rent for Bays 5&8 Y-10: Past Pship Withdrawals – Receipts Y-11: Lifestyle Analysis Y-14: Half of Value of Six Containers.

GENERAL OBJECTIONS

~~Defendants make the following general objections to the Requests for Production. These general objections apply to all or many of the Requests for Production, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Requests for Production. The assertion of the same, similar, or additional objections in the individual responses to the Requests for Production, or the failure to assert any additional objections to a discovery request does not waive any of Defendants' objections as set forth below:~~

(1) Defendants object to these Requests for Production to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

DUDLEY, TOPPER
AND FEUERZEIG, LLP
1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, U.S. V.I. 00804-0756
(340) 774-4422

~~reconciliation, as referenced as “[a]mount owed by Hamed family to Yusuf as per agreement before raid Sept 2001. As per Mike’s testimony these tickets were burned ([r]efer to Letter dated August 15, 2012)” in the revised BDO Exhibit J-2, attached to Yusuf’s Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017.~~

Response:

Defendants object to this Request for Production as vague, ambiguous, and compound such that the total number of Requests for Production together with their sub parts and other discovery exceeds the maximum allowable number of Requests for Production under the JDSP and violates both the spirit and the terms of the JDSP limiting the number of Requests for Production.

Documents supporting the allocation of partner accounts has been set forth in the BDO Report Tables and supporting documentation provided to Hamed via flashdrive on October 4, 2016.

RFPDs 23 of 50:

Request for the Production of Documents, 23 of 50, relates to Y-10, “Past Pship Withdrawals – Receipts.”

With respect to Y-10, please provide all documents substantiating the alleged \$237,352.75 in “[w]ithdrawals from the partnership with a signed ticket/receipt” by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, title “Summary calculation of Additional Income as a result of withdrawals from Supermarkets’ accounts (or partnership’ accounts) – January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the

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HAMD660345

Court),” attached to Yusuf’s Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017.

Response:

All documents supporting has been previously provided in the Tables to the BDO Reports and supporting documentation provided to Hamed on October 4, 2016.

RFPDs 24 of 50:

Request for the Production of Documents, 24 of 50, relates to Y-10, “Past Pship Withdrawals – Receipts.”

With respect to Y-10, please provide all documents substantiating the alleged \$20,311.00 in “[p]ayments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks” by Waleed Hamed, as referenced on the revised BDO Exhibit J-2, titled “Summary calculation of Additional Income as a result of withdrawals from Supermarkets’ accounts (or partnership’s accounts) – January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court),” attached to Yusuf’s Amended Accounting Claims Limited to Transactions Occurring On or After September 17, 2001, filed on October 30, 2017.

Response:

All documents supporting has been previously provided in the Tables to the BDO Reports and supporting documentation provided to Hamed on October 4, 2016.

Response:

To the extent that information has not already been provided to Hamed pursuant to briefing relating to this claim, Defendants will supplement their response to this Request.

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: May 15th, 2018

By: 

CHARLOTTE K. PERRELL

(V.I. Bar #1281)

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HAMD660349

CERTIFICATE OF SERVICE

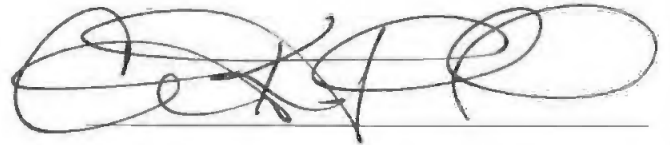
It is hereby certified that on this 15th day of May, 2018, I caused the foregoing a true and exact copy of the foregoing **RESPONSE TO HAMED'S FOURTH REQUESTS FOR THE PRODUCTION OF DOCUMENTS NOS. 19-27 OF 50 PURSUANT TO CLAIMS DISCOVERY PLAN** to be served upon the following via Case Anywhere docketing system:

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Exhibit 7

Table 8B - Wally Hamed - Withdrawals from Partnership with Receipts



Dudley, Topper and Feuerzeig, LLP
 Mohammad Hamed v. Fathi Yusuf and United Corporation
 Civil No. SX-12-CV-99

(October 2001 to December 2012)

EXHIBIT
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Account Owner: N/A
 Financial Institution: N/A
 Type of Account: Receipts - Waleed Hamed
 Account Number: N/A



Document Source	Receipt #	Date	Year	Amount	Adjustment	Adjusted Amount	Name on the ticket	Tickmarks/ Notes
UC 000495	2799	10/1/2001	2001	\$ 2,000.00		\$ 2,000.00	Waleed Hamed	F
	2372	10/1/2001	2001	9,500.00		9,500.00	Waleed Hamed	F
UC 000496	3600	10/3/2001	2001	2,000.00		2,000.00	Waleed Hamed	F
UC 000498	4105	10/10/2001	2001	2,500.00		2,500.00	Waleed Hamed	F
UC 000500	4126	11/6/2001	2001	3,000.00		3,000.00	Waleed Hamed	F
UC 000501	2731	12/24/2001	2001	2,056.00		2,056.00	Waleed Hamed	F
Total Year 2001				21,056.00	-	21,056.00		
UC 000502	4875	1/8/2002	2002	3,000.00		3,000.00	Waleed Hamed	F
UC 000503	4422	1/14/2002	2002	2,000.00		2,000.00	Waleed Hamed	F
UC 000504	4424	1/15/2002	2002	2,000.00		2,000.00	Waleed Hamed	F
UC 000505	2742	1/24/2002	2002	2,500.00		2,500.00	Waleed Hamed	F
UC 000506	2743	1/25/2002	2002	2,500.00		2,500.00	Waleed Hamed	F
UC 000507	5361	1/28/2002	2002	100.00		100.00	Waleed Hamed	F
UC 000508	4877	1/31/2002	2002	2,000.00		2,000.00	Waleed Hamed	F
UC 000509	4440	2/1/2002	2002	2,000.00		2,000.00	Waleed Hamed	F
UC 000510	4441	2/5/2002	2002	2,000.00		2,000.00	Waleed Hamed	F
UC 000511	4442	2/6/2002	2002	2,000.00		2,000.00	Waleed Hamed	F
UC 000512	5650	2/7/2002	2002	1,000.00		1,000.00	Waleed Hamed	F
UC 000513	4881	2/14/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000514	2746	2/16/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000515	4885	2/25/2002	2002	6,000.00		6,000.00	Waleed Hamed	F
UC 000522	4886	2/27/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000516	4891	3/4/2002	2002	2,500.00		2,500.00	Waleed Hamed	F
UC 000517	8037	3/6/2002	2002	20.00		20.00	Waleed Hamed	F
UC 000518	4895	3/7/2002	2002	1,000.00		1,000.00	Waleed Hamed	F
UC 000520	8052	3/21/2002	2002	3,000.00		3,000.00	Waleed Hamed	F
UC 000521	7897	3/26/2002	2002	25.00		25.00	Waleed Hamed	F
UC 000523	7898	3/27/2002	2002	4.00		4.00	Waleed Hamed	F
UC 000524	8056	3/28/2002	2002	2,000.00		2,000.00	Waleed Hamed	F
UC 000525	8059	4/2/2002	2002	8,000.00		8,000.00	Waleed Hamed	F
UC 000526	8062	4/4/2002	2002	10,000.00		10,000.00	Waleed Hamed	F



Document Source	Receipt #	Date	Year	Amount	Adjustment	Adjusted Amount	Name on the ticket	Tickmark
UC 000527	6503	4/8/2002	2002	10,000.00		10,000.00	Waleed Hamed	F
UC 000528	6521	5/9/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000529	6530	5/17/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000531	8067	5/27/2002	2002	1,000.00		1,000.00	Waleed Hamed	F
UC 000532	6540	5/28/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000533	8072	6/4/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000534	8088	6/22/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC000535	8090	6/23/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000536	8551	7/2/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000537	8560	7/5/2002	2002	2,000.00		2,000.00	Waleed Hamed	F
UC 000538	8562	7/6/2002	2002	3,000.00		3,000.00	Waleed Hamed	F
UC 000539	8566	7/8/2002	2002	4,000.00		4,000.00	Waleed Hamed	F
UC 000540	8577	7/15/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000541	8580	7/15/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000542	8591	7/27/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000543	8592	7/29/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000545	10560	8/5/2002	2002	300.00		300.00	Waleed Hamed	F
UC 000547	10538	8/7/2002	2002	200.00		200.00	Waleed Hamed	F
UC 000548	10655	8/8/2002	2002	50,025.00		50,025.00	Waleed Hamed	F
UC 000544	10656	8/8/2002	2002	30,000.00		30,000.00	Waleed Hamed	F, 1
UC 000549	10664	8/16/2002	2002	5,000.00		5,000.00	Waleed Hamed	F
UC 000550	Not available	8/20/2002	2002	200.00		200.00	Waleed Hamed	F
UC 000551	10673	8/22/2002	2002	3,000.00		3,000.00	Waleed Hamed	F
UC 000552	10699	9/9/2002	2002	20,000.00		20,000.00	Waleed Hamed	F, 2
UC 000553	10207	9/27/2002	2002	200.00		200.00	Waleed Hamed	F
Total Year 2002				252,574.00	-	252,574.00		

Total \$ 273,630.00 \$ - \$ 273,630.00

Tickmarks:

F Amount observed in ticket.

Notes:

- 1 We observed check #18603, dated 8/7/2002, which was issued from one of Plaza Extra's account payable to Waleed Hamed for the same amount as ticket #10656.
- 2 We observed check #18854, dated 9/3/2002, which was issued from one of Plaza Extra's account payable to Waleed Hamed for the same amount as ticket #10699.

Exhibit 8



Table 9B - Wally Hamed - Payments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks

Dudley, Topper and Feuerzeig, LLP

Mohammad Hamed v. Fathi Yusuf and United Corporation

Civil No. SX-12-CV-99

(October 2001 to December 2012)

Account Owner: N/A
 Financial Institution: N/A
 Type of Account: Receipts - Other
 Account Number: N/A



Document Source	Receipt #	Date	Year	Amount	Adjustment	Adjusted Amount	Name on the ticket	Tickmarks/ Notes
UC 000497	4229	10/9/2001	2001	25.00		25.00	From Wally to Chris	F, 1
UC 000499	4461	11/5/2001	2001	100.00		100.00	Waleed Hamed	F, 1
Total Year 2001				125.00	-	125.00		
UC 000519	8048	3/7/2002	2002	5.00		5.00	Waleed Hamed	F, 1
UC 000530	6544	5/20/2002	2002	4,000.00		4,000.00	Waleed Hamed	F, 1
Total Year 2002				4,005.00	-	4,005.00		
Total				\$ 4,130.00	\$ -	\$ 4,130.00		

Tickmarks:

F Amount observed in ticket.

Notes:

1 Ticket is signed by a third parties, signature were illegible.

EXHIBIT
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Exhibit 9



BDO Table J-2 - Partnership Withdrawals on or after September 17, 2006

Dudley, Topper and Feuerzeig, LLP
 United Corporation
 Civil No. SX-12-CV-99

Summary calculation of Additional Income as a result of withdrawals from Supermarkets' accounts (or partnership's accounts) - January 1994 to August 2014. (Including adjustments for withdrawals before 9/17/2006 as instructed by the Court)

Summary of Withdrawals

Description	Hamed						Yusuf										Difference		
	Mohammad	Waleed	Waheed	Mufeed	Hisham	Total	Fathi	Nejeh	Maher	Yusuf	Najat	Zayed	Syaid	Amal	Hoda	Yacer		Total	
Funds received from partnership through checks	\$ 1,500,000.00	\$ -	\$ -	\$ -	\$ -	\$ 1,500,000.00	\$ 4,284,706.25	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,284,706.25	\$ (2,784,706.25)
Withdrawals from the partnership with a signed ticket/receipt	-	237,352.75	←	←	-	237,352.75	-	-	2,000.00 ←	-	-	-	-	-	-	-	-	2,000.00	235,352.75
Amount owed by Hamed family to Yusuf as per agreement before raid Sept 2001. As per Mike's testimony these tickets were burned. (Refer to Letter dated August 15, 2012)	-	1,778,103.00	←	←	-	1,778,103.00	-	-	-	-	-	-	-	-	-	-	-	-	1,778,103.00
Payments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks	-	20,311.00	←	←	-	20,311.00	-	-	-	-	-	-	-	-	-	-	-	-	20,311.00
Payments to Attorneys with partnership's funds	-	3,749,495.48	←	←	-	4,121,651.43	183,607.05	20,370.00	33,714.00	-	-	-	-	-	-	-	-	237,691.05	3,883,960.38
Funds received by cashier's checks	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Partnership	1,500,000.00	5,785,262.23	372,155.95	-	-	7,657,418.18	4,468,313.30	20,370.00	35,714.00	-	-	-	-	-	-	-	-	4,524,397.30	3,133,020.88
Deposits to bank and brokerage accounts	16,505.80	430,439.13	100,000.00	306,999.56	510,061.57	1,364,006.06	-	-	-	-	-	-	-	-	-	-	-	-	1,364,006.06
Payments to credit cards	-	422,824.70	-	179,786.80	-	602,611.50	-	-	-	-	-	-	-	-	-	-	-	-	602,611.50
Investments (cost) sold as per tax returns	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal Lifestyle analysis	16,505.80	853,263.83	100,000.00	486,786.36	510,061.57	1,966,617.56	-	-	-	-	-	-	-	-	-	-	-	-	1,966,617.56
Net Withdrawals	\$ 1,516,505.80	\$ 6,638,526.06	\$ 472,155.95	\$ 486,786.36	\$ 510,061.57	\$ 7,624,026.74	\$ 4,468,313.30	\$ 20,370.00	\$ 35,714.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,524,397.30	\$ 5,099,638.44

Note:
 1 Total amounts include adjustments made for withdrawals in 2016.

Exhibit 10

UNITED CORPORATION
d/b/a PLAZA EXTRA SUPERMARKET
4C & 4D Sion Farm
Christianssted, VI 00820

BY HAND DELIVERY

Received
8/16/2012

Date: August 15, 2012

Mohammed Hamed
By and through Waleed Hamed
Plaza Extra Supermarket
Sion Farm Store
Christianssted, V.I. 00820

Re: Notice of Withdrawal

Dear Mr. Hamed,

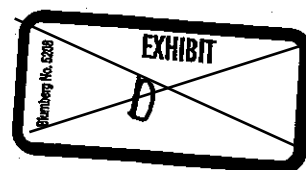
The amount of \$2,784,706.25 will be withdrawn from United's operating account effective August 15th, 2012. This amount equals the proceeds you previously withdrew through your agent Waleed Hamed. To ensure full accuracy, attached are the receipts you requested during mediation demonstrating the \$1,095,381.75 of withdrawals. The below itemized amounts are not in dispute.

Past Confirmed Withdrawals	\$1,600,000.00
Additional Withdrawals per the attached requested receipts	\$1,095,381.75
Fifty percent (50%) of St. Maarten Bank Account	\$44,355.50
Fifty percent (50%) of Cairo Amman Bank	\$44,696.00

Should you have any concerns about these amounts, please provide the basis for your concerns in writing. Thank you.

Yours
Fathi Yusuf
for Fathi Yusuf

EXHIBIT
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HAMD200103