

**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,

Case No.: SX-2012-CV-370

**ACTION FOR DAMAGES,
INJUNCTIVE RELIEF AND
DECLARATORY RELIEF**

JURY TRIAL DEMANDED

Consolidated with

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

vs.

UNITED CORPORATION, *Defendant.*

Case No.: SX-2014-CV-287

Consolidated with

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

vs.

FATHI YUSUF, *Defendant.*

Case No.: SX-2014-CV-278

Consolidated with

FATHI YUSUF, *Plaintiff,*

vs.

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

Case No.: ST-17-CV-384

Consolidated with

KAC357 Inc., *Plaintiff,*

vs.

HAMED/YUSUF PARTNERSHIP,
Defendant.

Case No.: ST-18-CV-219

NOTICE OF INTENT TO SERVE S U B P O E N A

PLEASE TAKE NOTICE that on September 1, 2021, or as soon thereafter as service may be effectuated, and pursuant to Federal Rule of Civil Procedure 45 as adopted by this Court, the undersigned will issue and serve the Subpoena attached hereto as Exhibit A, upon **Mohammad Hannun**, a non-party to the above-captioned litigation, to appear at the time and place specified therein.

Counsel for Hamed

Dated: September 1, 2021

/s/ Joel H. Holt

Joel H. Holt, Esq.

Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, VI 00820
(340) 773-8709
holtvi@aol.com

Carl J. Hartmann III, Esq.

Co-Counsel for Plaintiff
5000 Estate Coakley Bay, L6
Christiansted, VI 00820
Email: carl@carlhartmann.com

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 1st day of September, 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

Stefan Herpel

Charlotte Perrell

TOPPER, NEWMAN FEUERZEIG LLP

Law House, 10000 Frederiksberg Gade

P.O. Box 756

St. Thomas, VI 00802

sherpel@dnfvi.com

cperrell@dnfvi.com

/s/ Joel H. Holt

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SUBPOENA

**TO: MOHAMMAD HANNUN
20 Mary's Fancy
Christiansted St. Croix, Virgin Islands 00820**

PLEASE TAKE NOTICE that pursuant to Rules 26, 30, 32 and 45 of the Federal Rules of Civil Procedure, you are hereby commanded to appear at the **Lower (Street) Level Conference Room, Law Office of Joel H. Holt, Quin House, 2132 Company Street, Christiansted, St. Croix at 11:00 a.m. on Tuesday, September 28, 2021** to give testimony on behalf of the plaintiff in the above captioned matter.

This subpoena is issued pursuant to Rule 45 of the Federal Rules of Civil Procedure. Pursuant to Rule 45(a)(1)D, you are hereby advised that Rule 45(c) and (d) provide as follows:

(c) Protection of Persons Subject to Subpoenas

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When the information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Counsel for Hamed

Dated: September 1, 2021

/s/ Joel H. Holt

Joel H. Holt, Esq.

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Christiansted, VI 00820
(340) 773-8709
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Carl J. Hartmann III, Esq.

Co-Counsel for Plaintiff
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Special Master
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Stefan Herpel
Charlotte Perrell
TOPPER, NEWMAN FEUERZEIG LLP
Law House, 10000 Frederiksberg Gade
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sherpel@dnfvi.com
cperrell@dnfvi.com

/s/ Joel H. Holt