

**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,	)	CIVIL NO. SX-12-CV-370
v.)	
)	
FATHI YUSUF and UNITED CORPORATION,	)	ACTION FOR INJUNCTIVE
	)	RELIEF, DECLARATORY
	)	JUDGMENT, AND
Defendants/Counterclaimants,	)	PARTNERSHIP DISSOLUTION,
v.	)	WIND UP, AND ACCOUNTING
)	
WALEED HAMED, WAHEED HAMED,)	
MUFEED HAMED, HISHAM HAMED, and)	
PLESSEN ENTERPRISES, INC.,)	
)	
<u>Additional Counterclaim Defendants.</u>	)	Consolidated With
WALEED HAMED, as Executor of the)	
Estate of MOHAMMAD HAMED,)	
)	
Plaintiff,	)	CIVIL NO. SX-14-CV-287
v.)	
)	
UNITED CORPORATION,	)	ACTION FOR DAMAGES AND
	)	DECLARATORY JUDGMENT
)	
Defendant.)	
WALEED HAMED, as Executor of the)	
Estate of MOHAMMAD HAMED,)	
)	
Plaintiff,	)	CIVIL NO. SX-14-CV-278
v.)	
)	
FATHI YUSUF,	)	ACTION FOR DEBT AND
	)	CONVERSION
)	
Defendant.)	

**YUSUF'S OPPOSITION TO HAMED MOTION TO COMPEL RE CLAIM Y-10 – PAST
PARTNERSHIP WITHDRAWALS**

Hamed's Current Motion to Compel Relating to Yusuf Claim Y-10 – Past Partnership Withdrawals is premised upon Yusuf's alleged failure to fully respond to Hamed Interrogatory

No. 49 and Requests to Produce 23 and 24. The focus of this discovery is as to the supporting information and explanation relating to the categories of funds initially prepared by BDO on behalf of Yusuf which would be deemed as distributions between the partners so as to properly adjust and off-set a final disbursement between the partners as part of the wind up process. BDO chronicles, categorized and tallied extremely voluminous documents, divided into the type of funds; *i.e.*

- 1) Funds received from partnership through checks,
- 2) Withdrawals from the partnership with a signed ticket/receipt,
- 3) 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),
- 4) Payments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks,
- 5) Funds received by cashier's checks

From there, any document which reflected one of these 5 categories was sorted by name and year and then summarized in individual tables. Every table and every single supporting document was saved, all of the information was produced to Hamed in September and October of 2016. After the ruling from Judge Brady limiting the timeframe for the partnership accounting, BDO created a revised Summary of Withdrawals by simply eliminating those amounts in each category as to each name that pre-dated September 2006. All of the supporting documentation for the revised Summary of Withdrawals (which was simply a limited version of the Summary previously produced) had already been provided in October of 2016.

In the Supplementation Provided, Yusuf shows that he simply directed Hamed to information that he had already provided to him years before. *See Exhibit 1.* All of the

supporting documentation was provided in October of 2016. Hence, there is no basis for an Order to Compel.

Respectfully submitted,

DUDLEY NEWMAN FEUERZEIG, LLP

DATED: November 19, 2021

By: s/Charlotte K. Perrell

CHARLOTTE K. PERRELL (V.I. Bar No. 1281)

Law House 1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, VI 00804-0756

Telephone: (340) 715-4422

Telefax: (340) 715-4400

E-Mail: cperrell@dnfvi.com

Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of November, 2021, I caused the foregoing **Yusuf's Opposition to Hamed's Current Motion to Compel Relating to Yusuf Claim Y-10**, which complies with the page and word limitations of Rule 6-1(e), to be served upon the following via the Case Anywhere docketing system:

Joel H. Holt, Esq.
LAW OFFICES OF JOEL H. HOLT
Quinn House - Suite 2
2132 Company Street
Christiansted, St. Croix
U.S. Virgin Islands 00820
E-Mail: holtvi.plaza@gmail.com

Carl J. Hartmann, III, Esq.
5000 Estate Coakley Bay – Unit L-6
Christiansted, St. Croix
U.S. Virgin Islands 00820
E-Mail: carl@carlhartmann.com

Mark W. Eckard, Esq.
ECKARD, P.C.
P.O. Box 24849
Christiansted, St. Croix
U.S. Virgin Islands 00824
E-Mail: mark@markeckard.com

Jeffrey B.C. Moorhead, Esq.
JEFFREY B.C. MOORHEAD, P.C.
C.R.T. Brow Building – Suite 3
1132 King Street
Christiansted, St. Croix
U.S. Virgin Islands 00820
E-Mail: jeffreymlaw@yahoo.com

The Honorable Edgar D. Ross
E-Mail: edgarrossjudge@hotmail.com

and via U.S. Mail to:

The Honorable Edgar D. Ross
Master
P.O. Box 5119
Kingshill, St. Croix
U.S. Virgin Islands 00851

Alice Kuo
5000 Estate Southgate
Christiansted, St. Croix
U.S. Virgin Islands 00820

s/Charlotte K. Perrell

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,	)	CIVIL NO. SX-12-CV-370
v.)	
)	
FATHI YUSUF and UNITED CORPORATION,	)	ACTION FOR INJUNCTIVE
	)	RELIEF, DECLARATORY
	)	JUDGMENT, AND
Defendants/Counterclaimants,	)	PARTNERSHIP DISSOLUTION,
v.	)	WIND UP, AND ACCOUNTING
)	
WALEED HAMED, WAHEED HAMED,)	
MUFEED HAMED, HISHAM HAMED, and)	
PLESSEN ENTERPRISES, INC.,)	
<u>Additional Counterclaim Defendants.</u>	)	Consolidated With
WALEED HAMED, as Executor of the)	
Estate of MOHAMMAD HAMED,)	
	)	CIVIL NO. SX-14-CV-287
)	
Plaintiff,)	
v.	)	ACTION FOR DAMAGES AND
	)	DECLARATORY JUDGMENT
UNITED CORPORATION,)	
)	
<u>Defendant.</u>)	
WALEED HAMED, as Executor of the)	
Estate of MOHAMMAD HAMED,	)	CIVIL NO. SX-14-CV-278
)	
Plaintiff,	)	ACTION FOR DEBT AND
v.	)	CONVERSION
)	
FATHI YUSUF,)	
<u>Defendant.</u>)	
FATHI YUSUF and)	
UNITED CORPORATION,)	
	)	CIVIL NO. ST-17-CV-384
)	
Plaintiffs,)	
v.	)	ACTION TO SET ASIDE
	)	FRAUDULENT TRANSFERS
)	
THE ESTATE OF MOHAMMAD HAMED,)	
Waleed Hamed as Executor of the Estate of)	
Mohammad Hamed, and)	
THE MOHAMMAD A. HAMED LIVING TRUST,)	
)	
Defendants.)	
<u>_____</u>)	

**SUPPLEMENTAL RESPONSES
TO HAMED'S DISCOVERY**

Defendant/Counterclaimants Fathi Yusuf ("Yusuf") and United Corporation ("United")(collectively, the "Defendants") through their attorneys, Dudley Newman Feuerzeig, LLP hereby provide their Supplemental Responses to Hamed's discovery as follows:

1. 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 in 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 Yusuf's during the entire eight year period between 2006 and 2014 – where are all of those amounts; also, [questions regarding attorneys fees which is now withdrawn]; also, why is the amount listed as owed by Waleed \$1,778,103 rather than the \$1,600,000 that has always been discussed and listed in the August 15, 2012 letter referenced on Exhibit J-2?

Supplemental Response:

Yusuf provides this supplemental responses but shows that the original documentation was provided to Hamed on October 4, 2016, when Yusuf's Amended Accounting Claims and exhibits were filed and as explained in Yusuf's original responses to this discovery filed on May 15, 2018.

To eliminate any confusion, the information is again reproduced here:

1. Maher \$2,000:

As to the \$2,000 listed in the BDO Revised Summary (J-2) under Maher Yusuf, a review of Tables accompanying the BDO Report reflect, as to funds received by the partners pursuant to a receipt or ticket, each was chronicled in a Table and a copy of the Supporting Documentation included in a series of folders, per family member. As to Maher, Table 50B – reflects a list of any funds received by Maher from the Partnership from October 2001 to 2012. (BDO had originally divided the tables into two timeframes according to years: Time Period 1 - 1994 -2001 (inception of the partnership to time of the FBI raid), and Time Period 2 - 2001 to 2012 (FBI Raid and period of the Federal Monitors until 2012 when the partnership ended). After 2012, the partnership accounting information was taken over by John Gaffney and provided to both partners.

Table 50B – reflect that there was only one receipt in 2012 for Maher. The actual receipt was included in the folders for Maher. The actual receipt from that folder (also provided back in October of 2016) is attached hereto.

Hence, this is the only information that BDO had as to any funds received from Maher after September 17, 2006 – the period designated by Judge Brady as the cut off point. The fact that there were minimal receipts after the 2001 FBI raid is not surprising because of the existence of the Federal Monitors at the Stores.

As to other members of the Yusuf families, a review of the Tables provided indicates that after the FBI Raid there were no additional funds received via a “receipt.”

The same is true for the Hamed families, no one has “receipts” after 2006. A review of their Tables indicates a few receipts in the year or so shortly after the raid (i.e. before the Monitors were in place), but almost none in 2003 and certainly none after 2006.

2. Waleed \$237,352.75

As to the \$237,352.75 which remains in the Waleed column for receipts, that amount was left in the table because it relates to the overall accounting relating to Mr. Yusuf's removal of the \$2,784,706. The amount reflects certain receipts which accompanied the August 15, 2012 letter. While these amounts were prior to the September 17, 2006 timeframe, they were kept in the chart as the withdrawal by Yusuf straddled the cut off date. The Table 8B and receipts relating thereto are again reproduced here (although previously produced in October 2016). These documents satisfy RTP 23.

Request to Produce Number 24:

With respect to Y-10, please provide all documents substantiating the alleged \$20,311.00 in “payments to third parties on behalf of Hamed/Yusuf with partnership funds either with tickets or checks by Waleed Hamed, as referenced in BDO Exhibit J-2, titled “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.

Supplemental Response:

Yusuf provides this supplemental response but shows that the original documentation was provided to Hamed on October 4, 2016 when Yusuf's Amended Accounting Claims and exhibits were filed and as explained in Yusuf's original responses to this discovery filed on May 15, 2018.

The \$20,311.00 is comprised of the funds listed in Table 9A for which there is no date. See attached bracketed portions) and Table 9B. The actual documentation is set forth in the Supporting Documentation provided on October 2016, previously provided.

DUDLEY NEWMAN FEUERZEIG, LLP

DATED: November 19, 2021

By: s/Charlotte K. Perrell
CHARLOTTE K. PERRELL
(V.I. Bar #1281)
Law House
1000 Frederiksberg Gade - P.O. Box 756
St. Thomas, VI 00804-0756
Telephone: (340) 715-4422
Facsimile: (340) 715-4400
E-Mail: cperrell@dtflaw.com

*Attorneys for Fathi Yusuf and United
Corporation*

CERTIFICATE OF SERVICE

It is hereby certified that on this 20th day of November, 2021, I caused the foregoing a true and exact copy of the foregoing **SUPPLEMENTAL RESPONSES TO HAMED'S DISCOVERY** to be served upon the following via Case Anywhere docketing system:

Joel H. Holt, Esq.
LAW OFFICES OF JOEL H. HOLT
2132 Company, V.I. 00820
Email: joelholtpc@gmail.com

Carl Hartmann, III, Esq.
5000 Estate Coakley Bay, #L-6
Christiansted, VI 00820
Email: carl@carlhartmann.com

Mark W. Eckard, Esq.
HAMM & ECKARD, LLP
5030 Anchor Way – Suite 13
Christiansted, St. Croix
U.S. Virgin Islands 00820-4692
E-Mail: mark@markeckard.com

Jeffrey B.C. Moorhead, Esq.
C.R.T. Building
1132 King Street
Christiansted, St. Croix
U.S. Virgin Islands 00820
E-Mail: jeffreymlaw@yahoo.com

s/Charlotte K. Perrell