

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

- - -

MOHAMMAD HAMED, By His Authorized Agent,  
WALEED HAMED,

Plaintiff/Counterclaim Defendant,

vs.

FATHI YUSUF and UNITED CORPORATION,

Defendants/Counterclaimants,

vs.

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

Counterclaim Defendants.

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WALEED HAMED, as Executor of the ESTATE  
OF MOHAMMAD HAMED,

Plaintiff,

vs.

UNITED CORPORATION,

Defendant.

---

MOHAMMAD HAMED,

Plaintiff,

vs.

FATHI YUSUF,

Defendant.)

)  
) Civil No.  
) SX-12-CV-370  
)  
) ACTION FOR  
) INJUNCTIVE RELIEF,  
) DECLARATORY  
) JUDGMENT,  
) PARTNERSHIP  
) DISSOLUTION, WIND  
) UP, and ACCOUNTING

)  
) Consolidated with  
)  
) Civil No.  
) SX-14-CV-287  
)  
) ACTION FOR DAMAGES  
) and DECLARATORY  
) JUDGMENT

)  
) Consolidated with  
)  
) Civil No.  
) SX-14-CV-378  
)  
) ACTION FOR DEBT  
) and CONVERSION

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- - -  
Transcript of Hearing  
- - -

Transcript of Hearing

DATE: Tuesday, September 28, 2021

LOCATION: Lower Level Conference Room  
Law Offices of Joel H. Holt  
Quinn House  
2132 Company Street  
Christiansted, VI 00820

BEFORE: HONORABLE EDGAR D. ROSS  
Special Master

APPEARANCES: JOEL H. HOLT, ESQ.  
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(For the Defendants)

I-N-D-E-X

**PLAINTIFF'S WITNESSES**

D

C

RD

RC

Waleed "Wally" Hamed

14

39

66

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**DEFENDANT'S WITNESSES**

Fathi Yusuf

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\* \* \* \* \*

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E-X-H-I-B-I-T-S

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1 (WHEREUPON, hearing commenced.)

2 THE COURT: In the matter of  
3 Waleed Hamed versus Fathi Yusuf, et al.,  
4 Case No. SX-2012-CV-370, which is also related  
5 with three other -- four other cases.

6 Are the parties ready?

7 ATTORNEY HOLT: Yes, Your Honor.

8 THE COURT: For the record, would  
9 you introduce yourself and your client? We'll  
10 start with the plaintiff.

11 ATTORNEY HOLT: Yes, Your Honor.  
12 I'm Joel Holt, and I represent the plaintiff,  
13 Mr. Hamed. This is Waleed Hamed, "Wally" Hamed  
14 at counsel's table with me.

15 ATTORNEY PERRELL: Good morning,  
16 everyone. My name is Charlotte Perrell. I,  
17 along with my co-counsel, Stefan Herpel, are  
18 representing Mr. Fathi Yusuf in this matter, as  
19 well as all of the defendants in this case.

20 THE COURT: And Mr. Fathi Yusuf  
21 is here present?

22 ATTORNEY PERRELL: Yes.

23 ATTORNEY HOLT: And, Your Honor,  
24 Attorney Carl Hartmann is in attendance by Zoom.

25 THE COURT: Yes.

1           This is in reference to the Claim  
2 H-142, a Half Acre in Estate Tutu, St. Thomas.  
3 Are you ready to proceed?

4           ATTORNEY HOLT: Yes, Your Honor.

5           THE COURT: Any opening  
6 statements?

7           ATTORNEY HOLT: Well, I would  
8 like to say a couple of housekeeping matters.

9           THE COURT: You may.

10          ATTORNEY HOLT: The parties have  
11 stipulated that three affidavits of individuals  
12 who attended certain meetings, and have been  
13 produced in this case, can be used in lieu of  
14 their appearing live and testifying. So you  
15 will have those three affidavits submitted to  
16 you in lieu of those witnesses actually  
17 testifying, and that's a stipulation reached by  
18 counsel.

19          Additionally, prior to the hearing, we  
20 filed two requests to take judicial notice. One  
21 of them --

22          THE COURT: Three.

23          ATTORNEY HOLT: Huh?

24          THE COURT: There were three.

25          ATTORNEY HOLT: Actually, we

1 filed two separate requests for a total of four  
2 items. We emailed them this morning.

3 ATTORNEY PERRELL: Oh, okay.

4 ATTORNEY HOLT: The first one --  
5 the first two I would like to address at the  
6 beginning of the hearing.

7 THE COURT: You may.

8 ATTORNEY HOLT: One, is that you  
9 have already found that the property in  
10 question, Parcel No. 2-4 Remainder, Estate  
11 Charlotte Amalie, is partnership property.

12 And two, you've already found that it's  
13 undisputed that while there was a meeting to  
14 discuss the properties, essentially, in March of  
15 2011, where additionally discussed about giving  
16 two properties and only one property was given,  
17 that, in fact, no meeting of the minds ever  
18 occurred at that hearing.

19 That's your order dated May 3, 2020,  
20 pages 23 to 30. We would ask that the Court  
21 take judicial notice of those two facts based on  
22 your orders.

23 ATTORNEY PERRELL: Your Honor --

24 THE COURT: Yes.

25 ATTORNEY PERRELL: -- Charlotte



1 Perrell on behalf of Mr. Yusuf, et al.

2 To respond, the first thing with regard  
3 to the particular property being partnership  
4 property, I believe the Court's orders speak for  
5 themselves as to the specifics of that. The  
6 Court found, from my understanding, is that it  
7 was partnership property from at least the  
8 period of 2008 through 2011, and the issue at  
9 present is whether or not it maintained to be  
10 partnership property after these various  
11 meetings, which is in dispute right now.

12 ATTORNEY HOLT: We agree with  
13 that, her position. Actually, that's in the  
14 request this morning.

15 THE COURT: Yeah, but the request  
16 tends to suggest that from 2008 onward it's  
17 partnership property.

18 ATTORNEY HOLT: Well, it's the  
19 partnership being in dispute currently before  
20 the Court, whether there was an agreement in  
21 2011.

22 THE COURT: The explanations of  
23 the parties, then I will accept it.

24 ATTORNEY HOLT: Okay.

25 ATTORNEY PERRELL: And then

1 secondly, Your Honor, the order dated May 3,  
2 2020, which was later attached to the second  
3 request, obviously, is a very lengthy order, and  
4 we certainly recognize the Court can take  
5 judicial notice of that, of its own order.

6 I would suggest that the Court found  
7 that there had been a meeting of the minds after  
8 the meeting that occurred at Mr. Hamed's home,  
9 and that Mr. Yusuf then properly was able to  
10 rescind that meeting of the minds, which is  
11 called the original agreement. And the question  
12 for the Court now is whether there was a  
13 subsequent agreement thereafter, and that that  
14 is the subject of the dispute.

15 So I feel that the Court's order is  
16 very clear. I'm not so sure that these judicial  
17 notices are quite as comprehensive, but if the  
18 Court wants to just simply take judicial notice  
19 of its order and findings therein, we obviously  
20 accept those, of course.

21 ATTORNEY HOLT: And we would  
22 agree with her proffer, and the only reason we  
23 did this so we didn't have to start all over  
24 again --

25 THE COURT: I understand, but I

1 just didn't want to grant your request without  
2 an explanation because the request as stated  
3 tends to favor one side over the other, and the  
4 inference could be that the Court did more than  
5 it actually said.

6 ATTORNEY HOLT: Okay.

7 ATTORNEY PERRELL: Your Honor, if  
8 we could, we would just simply ask that, I think  
9 it's the easiest way to go about this rather  
10 than picking snippets of the Court's prior  
11 orders, that the Court, you know, simply take  
12 judicial notice of its comprehensive orders, and  
13 they are the best evidence of what the Court's  
14 already found.

15 THE COURT: Yes.

16 ATTORNEY HOLT: And then we had  
17 two more requests, one of which is contained  
18 therein, and we ask the Court to take judicial  
19 notice of just a portion of the attached  
20 interrogatories signed by Mr. Fathi Yusuf, his  
21 responses in this case.

22 And then, this morning, the second  
23 request, which I can't locate it anywhere, but  
24 basically, the second request just dealt with --  
25 since we're putting the affidavits into

1 evidence --

2 THE COURT: The three affidavits.

3 ATTORNEY HOLT: -- the second  
4 request is just asking the Court to take  
5 judicial notice that the affidavits were  
6 obtained by Mr. Yusuf in 2014 and produced to  
7 the Hamed's in 2017, which was the subject of an  
8 order you issued where you discussed their  
9 admissibility and sanctions. And we just want  
10 you to take judicial notice that they were  
11 executed in 2014, which Mr. Yusuf obtained and  
12 provided to the Hamed's in 2017.

13 THE COURT: Yes.

14 ATTORNEY PERRELL: Your Honor, if  
15 I may respond? With regard, going back to the  
16 interrogatory responses, we have no problems  
17 with those interrogatory responses. We're going  
18 to be introducing some earlier responses that  
19 were already one of the exhibits in the motion  
20 for summary judgment. There is no dispute that  
21 Mr. Yusuf executed those discovery responses and  
22 the verifications there. We will be asking to  
23 just simply admit it into evidence. If the  
24 Court would prefer judicial notice, that's fine.  
25 We just felt like that would be the easier path

1 of resistance.

2 And with regard to the issue as to the  
3 exhibits, again, if the Court is going to be  
4 going ahead and simply admitting its entire  
5 May 3, 2020 order, I think that takes care of  
6 the findings that the Court may even need those  
7 affidavits, and so forth, and we certainly  
8 acknowledge that.

9 THE COURT: Very well.

10 ATTORNEY HOLT: So, Your Honor,  
11 we only have one witness who we're going to  
12 call, that's Waleed Hamed. I think just to give  
13 the Court some guidance, I don't think that the  
14 testimony will be long, but we're going to ask,  
15 if you could, to have a set of the exhibits in  
16 front of him so I don't have to keep handing  
17 them up, and then we'll move them in evidence  
18 and admit, if that's okay.

19 THE COURT: You may proceed.

20 ATTORNEY PERRELL: And, Your  
21 Honor, I just wanted to acknowledge that we have  
22 our set of exhibits simply sitting there, again,  
23 for the convenience of the witnesses.

24 THE COURT: Mr. Hamed, please  
25 stand and raise your right hand.

1                   WALEED "WALLY" HAMED,  
2 after having been first duly sworn, testified as  
3 follows:

4                   THE COURT: You may proceed.

5                   DIRECT EXAMINATION

6 BY ATTORNEY HOLT:

7                   Q. Can you state your name for the  
8 record, please?

9                   A. Waleed Hamed, also known as  
10 Wally.

11                  Q. Could you tell the Court who your  
12 father is?

13                  A. Mohammad Hamed.

14                  Q. And he's deceased, correct?

15                  A. Yes, Sir.

16                  Q. And are you aware of a  
17 partnership relationship that he had with  
18 Mr. Yusuf --

19                  A. Yes.

20                  Q. -- for a long time?

21                  A. Yes.

22                  Q. I'm showing you -- in addition to  
23 having an interest within the partnership, were  
24 there other businesses that the two families  
25 also owned?

1           A.    Yeah, we have several  
2 corporations that own our property.

3           Q.    Okay.  And if you could look at  
4 Exhibit No. 1, and if you can just show the  
5 Court.

6                   **(Plaintiff's Exhibit No. 1 tendered.)**

7           You're familiar with the property in  
8 St. Thomas that was purchased called the Plessen  
9 property?

10          A.    Yes.

11          Q.    If you could, since that exhibit  
12 is so small, if you could just -- this is an  
13 aerial photograph of the area.

14                   **(Blow up of Plaintiff's Exhibit**  
15                   **No. 1.)**

16          First of all, I take it St. Croix is  
17 south, going that way (pointing)?

18          A.    Yes.

19          Q.    And this big white (pointing) --

20          A.    That's Tutu Park Mall.

21          Q.    And that's where the Plaza is?

22          A.    Yes.

23          Q.    Okay.  And then in looking at  
24 this map, can you point us to the acreage that  
25 is called the Plessen property?

1           A.     This is the Plessen property  
2 right here (pointing).

3           Q.     And when this property was  
4 acquired, was there any access to this property?

5           A.     There was access on, I guess that  
6 would be the eastern side. This road right here  
7 (pointing).

8           Q.     Okay. And did there come a time  
9 that you sought to have the property rezoned?

10          A.     Yes.

11          Q.     And you do that in front of the  
12 Legislature?

13          A.     Yes, we did.

14          Q.     And did the Legislature make  
15 certain requirements of your family in order to  
16 rezone that property?

17          A.     They wouldn't rezone it. They  
18 had problems with the road not being sufficient  
19 to take the nine and a half acres, or the  
20 Plessen property. They wanted additional  
21 entrances, or at least to accommodate the  
22 traffic.

23          Q.     Okay. And then showing you  
24 Exhibit No. 2, this is kind of a blow up of the  
25 area we just showed.



1                                   **(Blow up of Plaintiff's Exhibit**  
2                                   **No. 2.)**

3                                   First of all, can you show me the  
4 original Plessen property?

5                                   **A.** Yes, right here (pointing).

6                                   **Q.** 9.4 acres?

7                                   **A.** Yes.

8                                   **Q.** I've used the term "Plessen", who  
9 is that owned by?

10                                  **A.** Plessen is owned by the Hamed  
11 family and the Yusuf family. The Hamed family  
12 owns 50 percent of the property, and each one of  
13 the sons and Mr. Hamed owns 10 percent of the  
14 50 percent.

15                                  **Q.** Does a corporation actually own  
16 that property?

17                                  **A.** Yes, Plessen Enterprises.

18                                  **Q.** And the Hamed family owns 50  
19 percent of the stock?

20                                  **A.** Yes.

21                                  **Q.** And the Yusuf family owns the  
22 other 50 percent?

23                                  **A.** Yes.

24                                  **Q.** And as far as the Hamed interest  
25 is concerned, do the father and the four

1 children own it equally or do you each own your  
2 own shares?

3 A. We all equally, 10 percent.

4 Q. You each own 10 percent?

5 A. Yes.

6 Q. So you own them separately?

7 A. Yes.

8 Q. Okay. Then showing you this  
9 yellow piece right here (pointing), can you tell  
10 me what that is?

11 A. That piece of property was  
12 acquired to give access to the nine and a half  
13 acres to the main highway.

14 Q. And that's the piece that the  
15 Legislature wanted you to acquire, or they  
16 wanted you to get extra access --

17 A. Yes, that's when we ventured out  
18 there and we bought the piece of property to  
19 give more access to that nine and a half acres.

20 Q. And that's .5 acres?

21 A. Yes.

22 Q. And who is that property tied  
23 with?

24 A. It's tied to the United  
25 Corporation.

1 Q. And that's a partnership?

2 A. One of the partnerships, yes.

3 Q. Okay. And then, if I could just  
4 briefly go a little bit more --

5 ATTORNEY PERRELL: Objection as  
6 to timeframe. You said it's United, but it's a  
7 partnership. Objection as to timeframe.

8 **BY ATTORNEY HOLT:**

9 Q. Correct. At the time that you  
10 purchased it, it was purchased by the  
11 partnership?

12 A. Yes, it was.

13 Q. Today there's a dispute as to  
14 whether or not the partnership still owns it;  
15 correct?

16 A. Yes.

17 Q. And so, in looking at this a  
18 little bit better, can you show the Court, first  
19 of all, where is the access from the highway to  
20 give access?

21 A. Access is right here (pointing).  
22 This is the main highway that connects downtown,  
23 St. Thomas, and then it goes into the mall right  
24 over on this side (indicating).

25 Q. Okay.

1           A.     And this would give us more  
2 access over on this side (indicating).

3           Q.     Within the original 9.4 acres, is  
4 there any activity going on there currently, any  
5 tenants, or anything?

6           A.     There's tenants on this half acre  
7 that's been there for a long time.

8           Q.     There's no tenants on this  
9 (pointing)?

10          A.     No.

11          Q.     And what was the original plan  
12 with this property?

13          A.     This is really to relocate the  
14 Tutu Park store, Plaza Tutu Park store into this  
15 location.

16          Q.     So you would no longer be a  
17 tenant of the Tutu Park Mall?

18          A.     That's correct.

19          Q.     And of the tenants over there,  
20 are there tenants who pay rent?

21          A.     Yes.

22          Q.     And who collects and keeps it --  
23 at the time that you purchased it up until,  
24 let's say 2011, who collected the rent?

25          A.     Najeh Yusuf.

1           Q.     And Najeh Yusuf then deposited  
2 the money where?

3           A.     Nejah would collect it and it  
4 would be put down in one place until, you know,  
5 every five weeks, and the monies would be  
6 deposited in the Plaza Extra Tutu Park store  
7 accounts.

8           Q.     And that's --

9           A.     The Tutu partnership.

10          Q.     The partnership. Okay. All  
11 right.

12                     In showing you Exhibit No. 3, if you  
13 could, on your pile, can you just tell me what  
14 that is?

15                     **(Plaintiff's Exhibit No. 3 tendered.)**

16          A.     That's Act 6914 that the  
17 Legislature granted us a zoning change on the  
18 nine and a half acres.

19          Q.     And that's when the Legislature  
20 granted the rezone?

21          A.     Yes.

22          Q.     And did you purchase the half  
23 acre parcel before the rezoning changed?

24          A.     I believe so.

25          Q.     Now, in preparation for your

1 testimony today, did you also prepare just kind  
2 of a graphic giving critical timelines of the  
3 issues we're dealing with today?

4 A. Yes.

5 Q. And you're aware of the fact that  
6 -- well, first of all, that the criminal case  
7 was finalized in February of 2010, correct?

8 A. Yes, it has.

9 Q. And after the criminal case was  
10 finalized, did there come a time where there  
11 were some disputes between your father and  
12 Mr. Yusuf over certain things?

13 A. Yes.

14 Q. And generally speaking, what were  
15 those disputes?

16 A. Fathi started with accusations  
17 that my father stole millions of dollars, that I  
18 stole millions of dollars.

19 Q. As a result of conversations,  
20 were there meetings to try to see if it can be  
21 resolved?

22 A. There were meetings, yes.

23 Q. And directing your attention to  
24 March of 2011 --

25 ATTORNEY PERRELL: Objection,

1 Your Honor. The demonstrative document really  
2 suggests certain answers and responses. I think  
3 the facts are not in evidence yet, or at least  
4 the testimony of the witness. I think it's  
5 inappropriate to show him, in essence, the  
6 answer.

7 **BY ATTORNEY HOLT:**

8 Q. Okay. Do you recall in March of  
9 2011 there being a meeting at someone's house?

10 A. There was a meeting at my dad's  
11 house, yes.

12 Q. Here on St. Croix?

13 A. Yes.

14 Q. And who was present at that  
15 meeting?

16 A. I was present, my dad, and Fathi.

17 Q. And who were negotiating? Who  
18 was talking?

19 A. Fathi came over to -- came over  
20 to my father so he can negotiate what was Fathi  
21 refusing us of to really make peace and get this  
22 whole thing out of the way.

23 Q. Okay. And were you involved in  
24 those discussions?

25 A. No, but I was present.

1 Q. And can you tell the Court then,  
2 did your father make any offers to Mr. Yusuf?

3 A. There was offers that Fathi --  
4 that my father offered to Fathi two pieces of  
5 property, and Fathi reneged and said, *No, I will*  
6 *only take one.*

7 Q. I take it at the outset that  
8 Mr. Yusuf had asked for the two pieces of  
9 property?

10 A. Yes.

11 Q. And so your father offered to  
12 give those two pieces of property?

13 A. Yes.

14 Q. And as a result, Mr. Yusuf  
15 decided that he only wanted to take one of  
16 those?

17 A. Yes. He said, *You honored me and*  
18 *for the peace and for the time that we spent*  
19 *with each other all these years, we will make*  
20 *peace. We will sell the stores and everybody go*  
21 *their separate ways, everybody would stop doing*  
22 *what they're doing. And he agreed on this*  
23 *thing, once he give me the two pieces. Then he*  
24 *said, No, I will only take one piece. They*  
25 *shook hands and they left for the day.*



1           Q.    So after they shook hands,  
2 Mr. Yusuf left?

3           A.    I'm sorry?

4           Q.    After they shook hands on the one  
5 piece, Mr. Yusuf left?

6           A.    Yes.

7           Q.    Did there come a point very  
8 shortly thereafter that Mr. Yusuf changed his  
9 mind?

10          A.    Yes, he sure did. I'm not sure  
11 whether it was that evening or the following  
12 day, but he did come to me and said, *Look, your*  
13 *father offered me the two, I change my mind, I*  
14 *want two.*

15          Q.    So he rescinded the agreement of  
16 just taking one?

17          A.    Yes.

18          Q.    All right. Did there come a time  
19 that your father then went to Jordan?

20          A.    My dad went down to Jordan for my  
21 niece's wedding. Fathi immediately followed  
22 him.

23          Q.    And before I get that out, I  
24 missed one point. After Fathi told you that he  
25 wanted the two pieces and rescinded the

1 agreement, did he go back and talk to your  
2 father about that?

3 A. No, he didn't.

4 Q. He asked that you go back and  
5 talk to your father?

6 A. He told me to tell him.

7 Q. Did you go back and tell him?

8 A. I told him, yes.

9 Q. And what did your father say?

10 A. My father didn't respond. He  
11 didn't respond.

12 ATTORNEY PERRELL: I'm sorry, I  
13 couldn't hear him.

14 ATTORNEY HOLT: He didn't  
15 respond.

16 ATTORNEY PERRELL: He did not  
17 respond?

18 THE WITNESS: Right.

19 ATTORNEY PERRELL: He did not  
20 respond?

21 THE WITNESS: Right.

22 **BY ATTORNEY HOLT:**

23 Q. All right. And so, your father  
24 then went to Jordan. Why did he went to Jordan?

25 A. He went for my niece's wedding.

1 Q. And while he was at your niece's  
2 wedding, did he meet Mr. Yusuf again in Jordan?

3 A. Fathi is who came over to him and  
4 told him that he need to draw up the documents  
5 for the deal that we made.

6 Q. And looking at Exhibit No. 4, can  
7 you tell me what that document is?

8 **(Plaintiff's Exhibit No. 4 tendered.)**

9 A. That's a document that was  
10 prepared by Fathi Yusuf's attorneys over on that  
11 side of world, translation from English to  
12 Arabic -- I mean from Arabic to English.

13 Q. So the original document is in  
14 Arabic?

15 A. Yes.

16 Q. What does that document purport  
17 to do?

18 A. The agreement that my dad would  
19 turn over his interest in that piece of property  
20 to Fathi Yusuf.

21 ATTORNEY PERRELL: Objection.

22 Objection. The document speaks for itself.

23 ATTORNEY HOLT: It's in Arabic.

24 ATTORNEY PERRELL: Well, the  
25 English translation, the document speaks for

1       itself. You said what does it purport to do?  
2       And I said the document speaks for itself.  
3       Objection.

4                       ATTORNEY HOLT: We will stipulate  
5       it's an accurate translation.

6                       ATTORNEY PERRELL: That's fine.

7                       THE COURT: Okay.

8       BY ATTORNEY HOLT:

9                       Q. All right. And so, did your  
10       father return from Jordan?

11                      A. Yes, he did.

12                      Q. And at any time before your  
13       father went to Jordan, did he convey any other  
14       property to Fathi Yusuf?

15                      A. No.

16                      Q. And when he returned from Jordan,  
17       do you know whether or not he met with Fathi  
18       Yusuf again to negotiate?

19                      A. No, Sir, he didn't.

20                      Q. He did not?

21                      A. No.

22                      Q. And why not?

23                      A. Because the deal was done. We  
24       thought we had a deal. We thought we were  
25       finished with this guy.

1           Q.    Did there come a time that you  
2 entered into new discussions with Mr. Yusuf?

3           A.    Yes.  When my dad came back, my  
4 dad was sick, and from there on I took over the  
5 negotiations or the dealings with Fathi Yusuf  
6 because he continued accusing us of more things  
7 and more things and more things.

8                    I remember having a meeting with Fathi,  
9 Fathi called me over and said, *Hey, I found 1.5*  
10 *and I want a piece of property.*  I said, *I*  
11 *thought we had a deal.  I thought this was done.*  
12 He said, *Well, I'll finish if you give me more*  
13 *property.*  I said, *Well then, I'll get back to*  
14 *you.*

15           Q.    And did there come a time that  
16 there was finally a meeting with Mr. Yusuf where  
17 a second piece of property was discussed in the  
18 meeting?

19           A.    That was down the road, maybe two  
20 months, a meeting we had -- I had with him  
21 between August and September.  We had another  
22 meeting that -- he would go around the community  
23 and he would continue accusing us and building  
24 up this persona that we stole, we stole, we  
25 stole.

1           The elders came in and called me one  
2 day, I'm not too sure what location it was, sat  
3 down, and after a few hours, they said, *Look,*  
4 *your father had a deal, you gave him the option,*  
5 *go ahead and give him the piece of property.*  
6 *You have -- told us to finish with this guy*  
7 *because he's not going to finish with you, he's*  
8 *going to continue doing this. After several*  
9 *hours, I said, Okay, no problem, I will honor*  
10 *what my dad did.*

11           Q.    So you, at that point, agreed to  
12 transfer the second piece?

13           A.    Yes. We had an agreement, we  
14 shook hands, everybody was happy, everybody was  
15 ecstatic that we were going to be finished with  
16 this guy.

17           Q.    And was that the end of the  
18 matter?

19           A.    No, it wasn't, because the  
20 following day Fathi Yusuf said, *There's no deal.*

21           Q.    And why did he say that?

22           A.    Well, he said, *If I find other*  
23 *things, I have to go back, and if I find*  
24 *anything else, there's no deal, the deal is over*  
25 *with. And I believe from Mr. Hannun --*

1 Mr. Hannun is actually the one who called me the  
2 following day and said there's no deal, that  
3 Fathi called him last night and told him there's  
4 no deal if I find this and that, so, there's no  
5 deal.

6 Q. And were there then more meetings  
7 after that?

8 A. There was, subsequently, maybe  
9 six weeks, two months down the road, towards the  
10 end of the year.

11 Q. The meeting is around Christmas  
12 time?

13 A. Yes.

14 Q. And again, and who would be  
15 present at those meetings?

16 A. Several people, several elders in  
17 the community. Fathi always talks a lot. You  
18 see, Fathi has a thing of just going and  
19 hounding --

20 ATTORNEY PERRELL: Objection.  
21 Nonresponsive.

22 THE COURT: Sustained. Answer  
23 the question, please.

24 **BY ATTORNEY HOLT:**

25 Q. Okay. So, there were more

1 meetings and then more discussions about  
2 property?

3 A. Yes. There was a meeting around  
4 Christmas, and we never made a deal.

5 Q. So was there ever an agreement to  
6 transfer a second parcel to Mr. Yusuf?

7 A. No.

8 Q. And why wouldn't you transfer the  
9 second parcel to Mr. Yusuf?

10 A. Because it was a never ending  
11 story. We had a deal. We had a deal in March,  
12 we had -- he shook hands with my dad, everything  
13 was done, and then this guy turns around and no  
14 deal. He didn't fulfill the deal.

15 Q. And the same happened when you  
16 met with the elders?

17 A. Yes. Once again and once again,  
18 he never sticks to the deal that he makes.

19 Q. So in December of 2011 when you  
20 had the additional negotiations and no agreement  
21 was reached, was that the end of the  
22 discussions?

23 A. That was basically the end.

24 Q. And ultimately the parties ended  
25 up in litigation on these issues?



1           A.     Yes, that's when everything -- he  
2 started threatening us about taking everything  
3 that we have. You have to understand, there was  
4 over \$40 million in the bank account between us,  
5 and Fathi wanted to take it. Fathi wanted to  
6 assume to take all that --

7           ATTORNEY PERRELL:   Objection.  
8 Nonresponsive.

9           THE COURT:   Just a minute. Just  
10 answer the question asked and don't volunteer  
11 anymore information.

12          ATTORNEY HOLT:   I think that was  
13 part of his answer, that they felt he would  
14 continue.

15          THE WITNESS:   He continued --

16          THE COURT:   Yes, but he started  
17 going into other monies that weren't part of the  
18 deal.

19          ATTORNEY HOLT:   Okay. And then,  
20 Your Honor, at this juncture, I have a couple  
21 more questions for the witness, but this is  
22 where it would be appropriate to take judicial  
23 notice of the discovery document where Mr. Yusuf  
24 said under oath that there were meetings that  
25 took place, that he just described in both

1 September and December, and that there were no  
2 agreements reached in those meetings.

3 ATTORNEY PERRELL: Objection,  
4 Your Honor. That mischaracterizes the  
5 agreement, as we will demonstrate agreement, as  
6 to a global resolution is different than an  
7 agreement as to this limited property.

8 ATTORNEY HOLT: Okay. But I am  
9 only going to offer this document for my  
10 evidence in this case to what I think happened.

11 THE COURT: Yes.

12 ATTORNEY PERRELL: I have no  
13 objection to offering the document in. It  
14 speaks for itself.

15 **BY ATTORNEY HOLT:**

16 Q. All right. And then after  
17 everything fell apart in 2011, there were  
18 lawsuits then filed in 2012?

19 A. Yes, Sir.

20 Q. And the complaint was done the  
21 end of the year?

22 A. That was done in September of  
23 2012.

24 Q. And then can you tell me, just  
25 looking at Exhibit No. 5, what that is?

1                   **(Plaintiff's Exhibit No. 5 tendered.)**

2                   **A.**     That is Plaza Extra, St. Thomas,  
3 the assets balance sheet.

4                   **Q.**     And Plaza Extra, St. Thomas is  
5 the partnership store?

6                   **A.**     Yes.

7                   **Q.**     And what does that document show?

8                   **A.**     Dated December 31, 2012, land,  
9 East Charlotte Amalie. It refers to the half  
10 acre lot for \$330,000.

11                  **Q.**     And it shows that the partnership  
12 owns that property as of that date in 2012?

13                  **A.**     Yes.

14                  **Q.**     And the subsequent partnership  
15 records, 2012, 2013, do they show the same  
16 thing?

17                  **A.**     Yes.

18                  **Q.**     So the property was carried on  
19 the corporate books -- excuse me, the  
20 partnership books up until this dispute arose?

21                  **A.**     Yes.

22                  **Q.**     And then looking at the second  
23 document, can you tell me what that is?

24                   **(Plaintiff's Exhibit No. 6 tendered.)**

25                  **A.**     That's United Corporation

1 Shopping Center.

2 Q. So that's the --

3 A. December 31, 2012.

4 Q. That's United Corporation's --

5 A. Yes.

6 Q. -- balance sheet as of the end of  
7 2012, correct?

8 A. Yes.

9 Q. And does that show the half acre  
10 belonging to the corporation?

11 A. No, Sir.

12 Q. Okay. Now, who paid -- up until  
13 this proceeding was filed in 2014, who paid the  
14 real property taxes on the half acre?

15 A. The partnership, Plaza Extra.

16 Q. Where were the rents from the  
17 half acre deposited up until up 2014?

18 A. In the Tutu Plaza Extra account.

19 Q. And that's the partnership  
20 account?

21 A. Yes.

22 ATTORNEY HOLT: All right. That  
23 is all the questions I have at this time. And  
24 we would move into evidence 1, 2, 3, 4, 5 and 6.

25 THE COURT: Any objection?

1                   ATTORNEY PERRELL: The only  
2 objection, Your Honor, is that I don't believe  
3 that a proper foundation was laid for Exhibits 5  
4 and 6, so those would be the objections to 5 and  
5 6, but no objections to 1 through 4.

6                   ATTORNEY HOLT: Would you like me  
7 to establish a foundation?

8                   THE COURT: You may.

9 **BY ATTORNEY HOLT:**

10                   Q. Look at Exhibits No. 5 and 6. Do  
11 you recognize what those records are?

12                   A. Yes, they're balance sheets.

13                   Q. And those are account sheets --  
14 well, the records for the partnership, those are  
15 records that you have access to in the normal  
16 course of business?

17                   A. Yes, Sir.

18                   Q. And you would be familiar with  
19 those records?

20                   A. Yes.

21                   Q. And the information that you  
22 testified about regarding the deposit of rents  
23 up until 2014 and the payment of taxes up to  
24 2014 by the partnership, can you tell me whether  
25 or not that's information that you have

1 knowledge of?

2 A. Yes, I do.

3 ATTORNEY HOLT: Your Honor, we  
4 will move 5 in, and we don't need to move 6 in.

5 ATTORNEY PERRELL: Same  
6 objection, Your Honor. He's not necessarily --  
7 the partnership really had not even been  
8 established. He has no familiarity necessarily  
9 that he's ever seen these documents before, and  
10 it is also subject to a bi-monthly report that  
11 had corrected certain issues relating to this  
12 that was filed by the comptroller for the  
13 partnership, John Gaffney, in this case. So I  
14 would object that he's not laid the proper  
15 foundation for these documents.

16 THE COURT: I will admit them and  
17 give it whatever weight it deserves based on all  
18 the evidence.

19 **(Plaintiff's Exhibit Nos. 1, 2,**  
20 **3, 4, 5 and 6 admitted into**  
21 **evidence.)**

22 ATTORNEY PERRELL: Thank you,  
23 Your Honor.

24 ATTORNEY HOLT: Thank you.

25 THE COURT: You may cross.

1                   ATTORNEY PERRELL: Your Honor,  
2 may I remain seated or would you prefer --

3                   THE COURT: You may.

4                   ATTORNEY PERRELL: Thank you,  
5 Your Honor. I appreciate that.

6                   **CROSS-EXAMINATION**

7 **BY ATTORNEY PERRELL:**

8                   Q. Mr. Hamed, good afternoon. We've  
9 met before. Good to see you again.

10                  A. Good afternoon.

11                  Q. I have a couple of questions  
12 regarding the testimony that you have provided.  
13 Let's, first of all, go back to the meeting that  
14 occurred at the home of your father in 2010 or  
15 '11. Do you recall that testimony?

16                  A. Yes.

17                  Q. Right. And at the time of that  
18 meeting you indicated that two properties were  
19 offered by your father to Mr. Yusuf for  
20 Mr. Yusuf's claim that there had been  
21 misappropriations, correct?

22                  A. Yes.

23                  Q. And those two properties were one  
24 property in Jordan; is that correct?

25                  A. Yes.

1 Q. And that one property in Jordan  
2 was ultimately transferred, correct?

3 A. They had an agreement on it.

4 Q. Okay. That's the one that was  
5 transferred. I'm just trying to clarify which  
6 Jordan property you were talking about.

7 A. They had an agreement, yes.

8 Q. Okay. And the Jordan property  
9 that was transferred that you were talking about  
10 that day at the house is the Jordan property  
11 that was the subject of Exhibit 4; is that  
12 right?

13 A. Yes.

14 Q. The other piece of property that  
15 your father was offering to Mr. Yusuf, wasn't  
16 that the Tutu property that was both the half  
17 acre and the 9.4 that you've identified?

18 A. Specifically, they were talking  
19 about the Tutu property.

20 Q. Okay.

21 A. Whether it was both or one, it  
22 was specifically the Tutu property.

23 Q. Okay. And so, was it common for  
24 your family to refer to the Tutu property as the  
25 9.4 and the half acre together as one, because



1 they were together. Is that the way you  
2 referred to them?

3 A. I would assume, but -- we  
4 referred that is the nine and a half acres and  
5 the half acre, specifically said, because when  
6 Fathi requested -- let me correct that. My  
7 father didn't offer. Fathi requested the two  
8 pieces of property, and then Fathi refused the  
9 two pieces of property and only take one.

10 Q. Okay.

11 THE COURT: Mr. Hamed, please  
12 answer the question.

13 **BY ATTORNEY PERRELL:**

14 Q. I'm just trying to identify.  
15 We've already talked about the Jordan one was  
16 the one. I'm trying to understand, what does  
17 the other one include? The other one includes  
18 what you understood was the Tutu property,  
19 correct?

20 A. Yes, Ma'am.

21 Q. And do you know whether when the  
22 request and the -- at least preliminary  
23 agreement from your father to give that, whether  
24 the intention was for it to be both the 9.4 and  
25 the half acre together as one?

1           A.    I'm not too sure what the  
2 intention was, but I know it's the Tutu Park  
3 property, which we look at the larger, which is  
4 the nine and a half acres.

5           Q.    Okay. And isn't it true,  
6 however, that the half acre was purchased for  
7 the express purpose in providing access to the  
8 9.4 acre, correct?

9           A.    Yes. Yes.

10          Q.    Right. And wasn't it also true  
11 that the half acre, really, the whole reason to  
12 have the half acre was so that you could rezone  
13 all the property because it would provide  
14 greater access and you could rezone it  
15 commercial?

16          A.    Yes, Ma'am.

17          Q.    Okay. So there would be no  
18 reason to ever separate those two properties at  
19 some point in the future if the parties were to  
20 ever sell them off, correct?

21          A.    I would assume not.

22          Q.    Okay. And so, it's your  
23 recollection, having been present at the home  
24 meeting, that your father agreed to do both the  
25 Jordan property and also what I'm going to call

1 the collective Tutu property, correct?

2 ATTORNEY HOLT: Object to the  
3 form. First of all, he didn't testify he  
4 agreed, he say he offered. They never reached  
5 the agreement. So I object to the form.

6 And secondly -- I don't remember my  
7 second objection. He's already testified he  
8 doesn't know if the two were included. So her  
9 question assumes that they were. She's assuming  
10 facts not in evidence.

11 THE COURT: No, the witness is  
12 testifying as to his recollection.

13 ATTORNEY HOLT: Okay.

14 THE COURT: I will listen to the  
15 responses and analyze the question when they  
16 tell me what the Court can find, reasonable and  
17 credible testimony.

18 ATTORNEY PERRELL: Thank you,  
19 Your Honor.

20 **BY ATTORNEY PERRELL:**

21 Q. You can answer the question, but  
22 I'm not going to be able to remember to repeat  
23 it back.

24 So Miss Court Reporter, if you could  
25 reread the question. Thank you.

1 (Last question read back by the  
2 Court Reporter as follows:)

3 *Question: Okay. And so, it's*  
4 *your recollection, having been present at*  
5 *the home meeting, that your father agreed*  
6 *to do both the Jordan property and also*  
7 *what I'm going to call the collective Tutu*  
8 *property, correct?*

9 **A.** My recollection is Fathi Yusuf  
10 asked for two pieces of property, my father gave  
11 him two pieces of property. Fathi then, same 30  
12 seconds came back and said, *No, only one piece,*  
13 *I will accept one piece.*

14 THE COURT: But the question is,  
15 Mr. Hamed, the second piece of property, what  
16 was that, based on your understanding?

17 THE WITNESS: Yes.

18 THE COURT: Was what?

19 THE WITNESS: Was the Tutu Park  
20 property.

21 THE COURT: And what was the Tutu  
22 Park property? What did it consist of?

23 THE WITNESS: I really, really  
24 don't know if it's meant for those two pieces or  
25 just refer to it collectively as the Tutu Park

1 property. It wasn't specifically said half an  
2 acre, nine and a half acres.

3 **BY ATTORNEY PERRELL:**

4 Q. Okay. And my next question was,  
5 did you ever have any reason for those two  
6 properties, once they had both been acquired, to  
7 ever separate them if you were to ever sell  
8 them, for example?

9 A. I don't know what's going to  
10 happen down the road. If something could  
11 happen, maybe if somebody come in and want to  
12 pay me big money for it, it's possible.

13 Q. Okay. Let me ask you this, is  
14 the 9.4 acre property more valuable with the  
15 also use of the half acre property?

16 A. I really -- if I tell you, I'm  
17 assuming. I'm not sure. I mean, just because  
18 of real estate, the market, how it will be used.

19 Q. Isn't it true, though, that the  
20 whole reason for -- you testified earlier, the  
21 whole reason for even acquiring that half acre  
22 was because the half acre was going to provide  
23 additional access for the 9.4, and that's  
24 something that the Legislature was concerned  
25 about when determining whether to properly

1 rezone it as commercial, correct?

2 A. That's true, but I can explain.  
3 We had plans for that property. We had plans to  
4 put a big store, to move out of the Tutu Park  
5 store.

6 Q. Right. And you had to rezone the  
7 9.4 to do that?

8 A. Yes, Ma'am.

9 Q. And in the process of attempting  
10 to rezone, wasn't an issue that was raised by  
11 the Legislature the concerns about having the  
12 entrance off of only the one road for the 9.4  
13 and that it might be a traffic problem because  
14 it has a blind curve and so forth?

15 A. Yes, Ma'am.

16 Q. Okay. And that was the specific  
17 reason why the family went and purchased the  
18 half acre, correct?

19 A. Yes.

20 Q. Okay. In other words, the family  
21 wasn't looking to purchase the half acre for its  
22 own benefit. It was looking to purchase the  
23 half acre to be a benefit to the 9.4 already  
24 owned?

25 ATTORNEY HOLT: I object to the

1 form of that question, Your Honor.

2 THE COURT: Yes. Strike "its own  
3 benefit."

4 ATTORNEY PERRELL: Okay.

5 **BY ATTORNEY PERRELL:**

6 Q. Just to clarify, what was the  
7 purpose of purchasing that half acre?

8 A. It was for the purpose to really  
9 have access to the highway, like you stated  
10 before, for the nine and a half acres.

11 Q. All right. So, I think we've  
12 clarified the properties. Let's talk about the  
13 scope of the arrangement. At that time,  
14 Mr. Yusuf had indicated to you -- or indicated  
15 to Mr. Hamed there were certain  
16 misappropriations that he claimed he had filed;  
17 is that accurate?

18 A. Yes, he claimed, yes.

19 Q. Right. And he had dollar values  
20 on those amounts, did he not?

21 A. I'm sorry?

22 Q. He had a dollar value on those  
23 amounts, correct?

24 A. That was always changing.

25 Q. Okay. But he had certain

1 dollars, like a \$2 million and maybe a 1.4 as  
2 well, correct?

3 A. Yes, Ma'am.

4 Q. And so, do you recall Mr. Yusuf  
5 ever saying, these two properties, when he was  
6 asking for them, these two properties for what I  
7 have discovered so far?

8 A. Absolutely not.

9 Q. Okay.

10 A. We shook hands -- you're going to  
11 stop me, Judge?

12 Q. You don't recall him saying that;  
13 is that correct?

14 A. He did not say that.

15 Q. Okay. So, a couple of hours  
16 later Mr. Yusuf goes back to the store, correct?

17 A. I won't say a couple hours,  
18 probably later on.

19 Q. I'm sorry?

20 A. Later on.

21 Q. Okay. Within the same day; is  
22 that fair?

23 A. Yes, Ma'am.

24 Q. Okay. So within the same day  
25 Mr. Yusuf goes back to the store and then he has



1 a conversation with you later that same day,  
2 correct?

3 A. Later in the evening, yes.

4 Q. Okay. Were you at the store for  
5 this?

6 A. Yes.

7 Q. Okay. And isn't it true that  
8 Mr. Yusuf says, *I have checked on something, I*  
9 *have found something else. I don't want the one*  
10 *property, just the Jordan property, I now want*  
11 *the two properties that we've already discussed?*

12 A. My recollection wasn't as your  
13 recollection or your statement because he didn't  
14 say, *I thought about it or I found this*, right.  
15 It wasn't anything like that. He changed his  
16 mind --

17 Q. Okay.

18 A. -- after he made a deal and shook  
19 hands with my dad to finish this. The purpose  
20 of that meeting is to finish everything. We  
21 decided on selling the store, everybody splits,  
22 and everybody goes his way.

23 Q. Okay.

24 A. My father was buying peace. My  
25 father didn't admit that he did anything. My

1 father was finding peace with Fathi because of  
2 what he was saying and doing all the time. You  
3 have to understand, Fathi was threatening us  
4 that we had nothing in our name and he's going  
5 to take everything.

6 Q. Okay.

7 A. So my father in his position  
8 said, what am I to do? Let me buy peace with  
9 this guy.

10 Q. Let me back up. During the  
11 course of the meeting at the house, is it your  
12 testimony that, in fact, you all had reached --  
13 that Mr. Hamed and Mr. Yusuf had reached an  
14 agreement for a full and complete resolution of  
15 all of their partnership dealings?

16 A. Yes.

17 Q. At the house that day?

18 A. Yes.

19 Q. All right. And the parameters of  
20 this, was there ever an effort to go ahead and  
21 start selling the stores?

22 A. Fathi was going to sell all that  
23 stuff. We were supposed to sell all that out.

24 Q. But that never happened, did it?

25 A. He had all the chance to do it.

1           Q.    Okay.  But you didn't inquire of  
2 Mr. Yusuf, why are we not selling the stores?  
3 Why are we not moving forward with the entire  
4 deal?  Did you ever ask him that?

5           A.    Fathi was making the deal.  Fathi  
6 made the deal and he reneged on the deal.  Fathi  
7 didn't follow through.  Remember, you know,  
8 Fathi is the one always in charge.  We have to  
9 follow what Fathi says.  And you telling me now  
10 I'm supposed to do anything?  No, no, no,  
11 something is wrong here.

12          Q.    Okay.  I'd ask you to just answer  
13 the question.

14          A.    I'm sorry.

15          Q.    So the question I had is that,  
16 that afternoon or later that same day, Mr. Yusuf  
17 indicates that one property will not be  
18 sufficient, that he wants to go back to the  
19 conversations you had earlier that day for the  
20 two properties; isn't that correct?

21          A.    Fathi accepted the one property,  
22 he said, *That is enough.  You honored me, you*  
23 *respected me, I am only gonna take one.  And*  
24 *from there on, we're gonna finish with each*  
25 *other, we're gonna sell the stores, and*

1 *everybody goes their separate ways.*

2 Q. Okay.

3 A. Later on Fathi came back and  
4 said, *I thought about it and your father offered*  
5 *me the two, I want the second one. Tell your*  
6 *father that.*

7 Q. Okay. Tell your father that?

8 A. Yeah.

9 Q. And when he said that, you  
10 understood that to be, based on the  
11 conversation, that was the same properties that  
12 you talked about earlier that day; is that  
13 correct?

14 A. Yes.

15 Q. Okay. And he asked you to convey  
16 that message to your father, correct?

17 A. Yes.

18 Q. Okay. And at that point in time,  
19 you are not negotiating, correct, on behalf of  
20 Hamed, your father?

21 A. No. No.

22 Q. You're just his agent, you're  
23 just running the message back; is that right?

24 A. Yes, Ma'am.

25 Q. Okay. And so, did you, in fact,

1 convey the message that Mr. Yusuf had to your  
2 father either that day or shortly thereafter?

3 A. Yes, I did.

4 Q. And your testimony earlier is  
5 that he had no response?

6 A. If I remember correctly, he had  
7 no response.

8 Q. Okay. Do you recall your earlier  
9 deposition testimony in this matter given in  
10 January of 2020? Do you recall that you gave a  
11 deposition in this case about these issues in  
12 2020?

13 A. I guess so, but I'm not sure what  
14 documents are you referring to.

15 Q. Okay. I'd like to ask for you to  
16 look at Exhibit 6.

17 **(Defendant's Exhibit No. 6 tendered.)**

18 I'd like you to look at the first boxed  
19 bracket beginning at line 4 through 16. I'm  
20 sorry, page 158, lines 4 through 16.

21 A. 158?

22 Q. Yes.

23 A. Yes.

24 Q. Isn't it true that I asked you  
25 the question, at line 10: *So did Mr. Yusuf say*

1 to go back and talk to your father about that?

2 Do you see that question?

3 A. Yes.

4 Q. And your answer was: *He told me*  
5 *to go back and tell him.*

6 Is that accurate?

7 A. Yes.

8 Q. That's what you testified today,  
9 right?

10 And then my question was: *And did you*  
11 *do that?*

12 And you see your answer: *Yeah, I told*  
13 *him. Correct?*

14 A. Yes.

15 Q. All right. And then my next  
16 question was: *Okay. And what did your father*  
17 *say?*

18 And your answer was: *He said, Okay.*

19 A. Yes.

20 Q. All right. So today you're  
21 saying he had no response, but in 2020 you said  
22 his answer was, *Okay.*

23 A. Thank you for clearing me up. I  
24 mean, it's been a while, it's been a lot of  
25 things going on, and if I reference to *Okay*, I

1 said *Okay* at that time for whatever the context  
2 of it. For me, I think the context of it today  
3 is -- my understanding is if my father agree to  
4 it. My thing is, I told my dad. I told Fathi  
5 that my father said, *Okay*.

6 Q. Did he say, *Okay* --

7 A. Did he respond, *Okay*, he can have  
8 it? *Okay*, it's his? Or, *Okay*, we agree to the  
9 agreement? Nothing happen like that I remember.  
10 All I remember is, yes, I did tell my dad, and  
11 my dad said, *Okay*.

12 Q. And your dad said, *Okay*, meaning  
13 that he agreed?

14 A. I don't know what he meant, but  
15 that's what my understanding is. I don't know  
16 what my dad meant.

17 Q. So when you asked your father,  
18 you don't know what he meant?

19 A. He said, *Okay*. He said --

20 Q. *Okay*.

21 A. -- whether he meant it's okay,  
22 it's okay I refer to whatever Fathi wants or  
23 what I give Fathi, whatever. My thing is, he  
24 didn't give me a response, okay, go with it,  
25 that's fine.

1 Q. Okay. Your early testimony was  
2 that he said, *Okay*, now your testimony today is  
3 that he did not respond, but he did respond and  
4 he said, *Okay*; isn't that accurate?

5 A. Well, I stand corrected. He  
6 said, *Okay*.

7 Q. All right. So, did you come back  
8 and have a subsequent conversation with  
9 Mr. Yusuf?

10 A. I don't recall if I did or not.

11 Q. Okay.

12 A. We've always talked about --

13 Q. So just to refocus, after you had  
14 this conversation with your dad, did you have a  
15 conversation shortly thereafter with Mr. Yusuf  
16 where Mr. Yusuf asked you, *What did your father*  
17 *said* -- oh no, he asked you, *Did you talk to*  
18 *your father*?

19 A. I probably did, yes.

20 Q. Okay. And did you tell Mr. Yusuf  
21 that your father said, *Yes*?

22 A. I'm not sure if I said, *Yes*, or I  
23 said, *Okay*, but I'm pretty sure he said  
24 something.

25 Q. Okay. And at that point, did



1 Mr. Yusuf follow up with any further questions  
2 of you?

3 A. I don't recall exactly.

4 Q. Okay. So, you never told  
5 Mr. Yusuf that your father said, *No*; isn't that  
6 correct?

7 A. I don't -- no, I don't remember  
8 my dad saying, *No*.

9 Q. Okay. All right. And you're not  
10 aware of your father ever saying to Mr. Yusuf,  
11 *No*?

12 A. I don't recall that, no.

13 Q. Okay. And so, when they traveled  
14 to Jordan and the Jordan property was  
15 transferred, you're not aware of anyone  
16 indicating that, no, they were only going to  
17 transfer the Jordan property and that was it?  
18 Are you aware of anybody having that  
19 conversation with Mr. Yusuf in Jordan?

20 A. I wasn't there, so I don't know.

21 Q. Okay. A couple months after  
22 Jordan when Mr. Yusuf returns, he comes to you,  
23 and he says, *Okay, when are we going to start*  
24 *transferring the 9.3 -- the 9.4 property*; isn't  
25 that correct?

1           A.     When Fathi came, from my  
2     recollection, he came with new accusations.  
3     After Fathi came back from Jordan, he started  
4     with new accusations, *Well, you need to give me*  
5     *more property because I found more things.* And  
6     I said, *Wait a minute, didn't we have an*  
7     *agreement? Didn't you have an agreement with my*  
8     *dad? And then all of a sudden you want more*  
9     *property? I thought we were done.*

10           Q.     Right. And the agreement was to  
11     transfer both the Jordan property and the Tutu  
12     property, correct?

13           A.     Yes, Ma'am.

14           Q.     Okay. And when you say the Tutu  
15     property, it's the collective Tutu property,  
16     correct?

17           A.     Well, the assumption is, but we  
18     refer to it as Tutu Park property.

19           Q.     And isn't it true that the half  
20     acre of the Tutu property was already in  
21     United's name at the time that all of these  
22     discussions were taking place?

23           A.     I'm not quite sure, but possibly.

24           Q.     Okay. You know the 9.4, though,  
25     was in the name of Plessen, correct?

1           A.     Yes, Ma'am.

2           Q.     Okay. Now, isn't it true that  
3 the parties never ultimately came to a  
4 resolution about any third property, correct?

5           A.     There was no resolution for the  
6 second or the third or the fourth or the fifth  
7 because Fathi never agreed to the first one.  
8 When we came back and we sat down again, I  
9 believe in either September or October of that  
10 same year, Fathi came back from Jordan, they  
11 forced me to honor the agreement that he had  
12 with my dad, and I was forced to go ahead and  
13 honor that at the end of the night because of  
14 the pressure they put on me --

15          Q.     Right.

16          A.     -- so we could be done because we  
17 had an agreement earlier in the year. Fathi  
18 started accusing us of some other stuff. We  
19 thought we had an agreement, we're done, we're  
20 gonna finish with each other, but Fathi had  
21 other ideas. Fathi was just trying to nibble,  
22 nibble, nibble so he can take as much as he can.  
23 So we never had an agreement to begin with.

24                 Why would these people force me in  
25 September to agree on an agreement that we had

1 if Fathi had honored the agreement in March?  
2 Why would they come back and say you have to  
3 give him what your father offered in March if we  
4 had an agreement?

5 Q. Okay. Let me ask you this, with  
6 regard to the -- with regard to a third  
7 property, there was never an agreement -- you  
8 never agreed -- at this point you're  
9 negotiating, right, after Jordan and so forth  
10 because your father is ill, you never agreed, on  
11 behalf of Hamed, to do any kind of a third  
12 property transfer, correct?

13 A. We never transferred the second,  
14 third, fourth. We never agreed. All those were  
15 discussions.

16 Q. All right. Let me ask you this,  
17 what was the third property that was part of the  
18 discussions that you all were having?

19 A. Fathi, he was shooting left and  
20 right with different properties. I mean, he was  
21 telling us about some other property in Jordan,  
22 he was telling us about some other property in  
23 St. Croix. And it was just like we just went  
24 around in circles with him, and we thought we  
25 had an agreement, we were finished, but he

1 didn't finish with us. We didn't finish with  
2 him because we never had an agreement. He  
3 reneged on the agreement that we had in March.

4           So, therefore, he goes back and forth,  
5 back and forth with more accusations, soiling  
6 our name all over the place, accusing us of  
7 stuff. *Oh, give me more property, give me more*  
8 *property, give me more property and I'll finish*  
9 *with you guys, and I'll finish with you guys.*  
10 *I'll take everything away from you because you*  
11 *have nothing in your name, everything is in our*  
12 *name.*

13           Q.    Okay. So, what I'm -- the one  
14 question, I apologize if this has been, perhaps,  
15 asked and answered. I mean, I wasn't clear on  
16 the answer. With regard to a third property,  
17 you've already identified one and two, the  
18 Jordan property that did get transfer, the  
19 second property is the Tutu collective property.  
20 I'm asking you about a third property that  
21 Mr. Yusuf was inquiring about. That third  
22 property, was it a property in Amman, Jordan?  
23 Do you know?

24           ATTORNEY HOLT: Just for the  
25 record, I want to object to her definition of

1 collective property because he didn't agree with  
2 it. Otherwise, other than, she can ask the  
3 question. She's imposing her definition on him,  
4 and he did not acknowledge.

5 THE COURT: I understand this  
6 question and I understand your objection. You  
7 may answer.

8 THE WITNESS: I don't remember.  
9 I don't recall exactly which properties. There  
10 were several properties, we were going back and  
11 forth. I don't remember which one.

12 **BY ATTORNEY PERRELL:**

13 Q. All right. So, was there an  
14 attempt between all of you, you and Mr. Yusuf  
15 with the benefit of some of the elders in the  
16 community, your community, to try to reach a  
17 global resolution of all of the partnership  
18 dealings between the parties, separate and apart  
19 from the transfer of the Jordan property and the  
20 issue with the Tutu property?

21 A. There was no separate  
22 negotiations. We had a deal to begin with in  
23 March, everybody knew that, everybody and Fathi  
24 -- see, Fathi has a way of communicating. He  
25 spends a lot of time with these so-called elders

1 or elders in our community, he spends a lot of  
2 time with them, and he just gives them the  
3 narrative that they want -- he wants them to  
4 hear, always twisting things around.

5 We had a deal, him and my father shook  
6 hands in March, he reneged on the deal, never  
7 followed through, and he tried again in  
8 September and I believe in October again, back  
9 then, and then ultimately in December tried  
10 again to go back to the deal that my father  
11 offered and agreed upon in March. He never  
12 fulfilled it.

13 Q. Okay. How is it that Mr. Yusuf  
14 didn't fulfill the two-property deal?

15 A. He still negotiating for more and  
16 more. If we had a deal, don't you think he  
17 would make sure that we transferred the Tutu  
18 Park property?

19 Q. Isn't it true, though, that  
20 Mr. Yusuf asked you to go ahead and transfer the  
21 9 --

22 A. Right. And you know why?  
23 Because he wanted more. He wanted more. It  
24 wasn't enough for him. He wanted more. He came  
25 back and he wanted more. We had a deal, but he

1 still went ahead, as soon as he came back, he  
2 continued soiling our name, he still continued  
3 accusing us of doing things. The agreement was,  
4 we're done, we're finished. Stop all the stuff  
5 that you're saying. My father bought peace for  
6 giving him that deal, not to agree that he did  
7 anything. My father bought peace. Fathi did  
8 not order -- he didn't offer -- what you call  
9 it? He didn't --

10 Q. Let me go back to -- you had  
11 stated earlier that the elders forced you to  
12 agree to, and you did agree to the two-property  
13 deal, which was the Jordan property already been  
14 transferred and the Tutu property, correct?

15 A. Yes, but Fathi is the one who  
16 always going after me, saying, hey, get him, get  
17 him. Fathi is the one who is always requesting  
18 that, come. They always call me. I didn't go  
19 to them.

20 Q. All right. During these  
21 meetings, was the individual, Mohammad Hannun,  
22 present?

23 A. In one or two meetings. There  
24 were several meetings.

25 Q. And what about -- and who is



1 Mohammad Hannun?

2 A. He is my uncle.

3 Q. How is he your uncle?

4 A. My mother's brother.

5 Q. And how is he related to

6 Mr. Yusuf?

7 A. He is his brother-in-law.

8 Q. Okay. And was a Mr. Suleiman  
9 Khaled there at some or one of these meetings?

10 A. One of them, yes.

11 Q. Okay. And who is he?

12 A. He's Fathi's nephew.

13 Q. Okay. Do you bear any relation  
14 to him, blood relation?

15 A. No, just a cousin, a distant  
16 cousin.

17 Q. Okay. And who is -- well, let me  
18 ask you this. Was Bakir Hussein also present at  
19 some or any of those meetings?

20 A. Yes, he was.

21 Q. And what relation is he to you?

22 A. There's no blood relation. He's  
23 Fathi's best friend and tenant.

24 Q. Okay. All right. And do you  
25 have a close relationship with any of those

1 three that you just mentioned?

2 A. I know them. I am not what you  
3 call close. One of them is blood relative,  
4 which is my uncle. The other one is Fathi's  
5 nephew, my distant cousin. And the other one,  
6 Bakir Hussein, is Fathi's best friend and  
7 tenant.

8 Q. Okay. And isn't it true that  
9 Mr. Hussein is -- well, let me ask you this. Do  
10 you have any reason to believe that the  
11 testimony they provided in their affidavit is  
12 not accurate?

13 A. I don't know. I really don't  
14 know. The testimony is that's what Fathi's  
15 lawyers or whoever was giving to Fathi's  
16 lawyers, that's what he did.

17 ATTORNEY PERRELL: Okay.

18 Your Honor, we don't have any further  
19 questions.

20 ATTORNEY HOLT: Just a few.

21 **REDIRECT EXAMINATION**

22 **BY ATTORNEY HOLT:**

23 Q. A little family here. Mr. Hannun  
24 is brother to your father's wife and he's also  
25 brother to Fathi's wife?

1           A.    He's brother to Fathi's wife and  
2 my mother, yes.

3           Q.    Okay. He was the brother-in-law  
4 of your father and Fathi?

5           A.    Both of them, yes.

6           Q.    Coming back to the questions  
7 about discussions, you were asked specifically  
8 about your deposition testimony where you were  
9 asked to go back and talk to your father and you  
10 did talk to your father, okay?

11          A.    Yes.

12          Q.    Now, if you could just read on on  
13 the next page that continues, the box continues,  
14 on page 160. You'll see the box there,  
15 beginning on line 8. It talks about the  
16 discussions.

17          A.    Eight?

18          Q.    Page 169 [sic], line 8.

19          A.    169 [sic]?

20          Q.    Yes, the second page of Exhibit  
21 Number -- are you in Exhibit F?

22          A.    I'm sorry, I don't know.

23          Q.    Switch back to the first page,  
24 let's start all over again.

25                   ATTORNEY HOLT: Your Honor, may I

1 approach?

2 THE COURT: Yes, you may.

3 Exhibit F is under the tab six.

4 ATTORNEY PERRELL: Which page is  
5 that?

6 ATTORNEY HOLT: 160.

7 **BY ATTORNEY HOLT:**

8 Q. At the bottom of the page, and it  
9 says: *Earlier in the day, your father had gone*  
10 *ahead. You see there it says: Okay. So when*  
11 *you saw Mr. Yusuf, I assume you saw him the next*  
12 *day. And you say you're not sure. When you saw*  
13 *Mr. Yusuf -- this is the bottom of the page --*  
14 *did you report to him that you had, in fact,*  
15 *conveyed what he asked you to?*

16 ATTORNEY PERRELL: Objection,  
17 Your Honor. He's simply reading from the  
18 deposition testimony. It's not a proper  
19 question.

20 **BY ATTORNEY HOLT:**

21 Q. Do you remember what you told  
22 Mr. Yusuf? Did you tell him anything?

23 ATTORNEY PERRELL: He can't --  
24 objection, Your Honor.

25 A. I don't recall right now.

1           Q.    To refresh your recollection like  
2 she did, could you just look at your deposition  
3 testimony.  And what did you say back in 2020  
4 about what you told Mr. Yusuf?

5           A.    *He asked me, I said, Yes.*

6           Q.    And did you tell Mr. Yusuf what  
7 your father said?

8           A.    *I said, My father does not agree.*

9           Q.    You didn't tell him anything,  
10 correct?

11          A.    I didn't tell my father -- I'm  
12 just reading from it.  I don't recall exactly  
13 what, but I didn't tell him my father agreed or  
14 disagreed.  I didn't tell him either.  I said, *I*  
15 *told him of it.*

16          Q.    Okay.  So, when you can't  
17 remember the day back when you were deposed,  
18 your recollection was that you did not tell  
19 Mr. Yusuf what your father said to you; correct?

20          A.    I'm sorry, I don't understand the  
21 question.

22          Q.    When you gave your deposition  
23 back in 2020, you were asked, *What did you tell*  
24 *Mr. Yusuf about what your father said?*  You  
25 testified that you didn't tell him anything.

1 You didn't tell Mr. Yusuf anything, correct?

2 A. That's correct.

3 Q. And continuing on the next page,  
4 isn't that the same testimony? *He asked me if I*  
5 *told him, and I said, Yes, I told him.*

6 A. Yes.

7 Q. And you never provided him any  
8 further information about what your father said?

9 A. I'm sorry, repeat please?

10 Q. You never provided him any  
11 information about what your father said one way  
12 or the other, did you?

13 A. No, I didn't.

14 Q. Okay. Now, when you were at the  
15 first meeting, and you've already gone over the  
16 conversation about your father was asked for  
17 two, was offered two, and Yusuf accepted one and  
18 they shook hands. It was your understanding  
19 that that was to take care of all of the  
20 accusations between the parties, and then from  
21 there on go forward and divide up the  
22 property --

23 ATTORNEY PERRELL: Objection,  
24 Your Honor. Leading.

25 THE COURT: I'll permit it.

1                   What was your understanding?

2                   THE WITNESS: My understanding,  
3 like I stated before when she asked me that,  
4 everything was a done deal. We were going to go  
5 ahead and stop the accusations, stop the soiling  
6 our name all over the place, we're gonna sell  
7 the stores, split everything that we have and  
8 everyone goes their merry way.

9                   **BY ATTORNEY HOLT:**

10                  Q. And did the accusations stop?

11                  A. No, they didn't.

12                  Q. Did the amounts that Mr. Yusuf  
13 claim stay the same, decrease, or increase?

14                  A. He was going all over the place.

15                  Q. Did he ask for more?

16                  A. Yes, he did.

17                  Q. And so, you were asked, why  
18 didn't you go ahead and separate the partnership  
19 at that point? And my question is, could you  
20 separate the partnership until you had these  
21 claims resolved?

22                  A. No, I don't think so.

23                  Q. Okay. And so, until this issue  
24 was resolved you couldn't proceed with the  
25 dissolution, correct?

1           A.    We couldn't do it, and Fathi was  
2 in control of that. Fathi had his hands around  
3 our neck.

4           Q.    Okay. And so, until it was  
5 resolved about this dispute on who owed who  
6 money, you couldn't dissolve the partnership,  
7 correct?

8           A.    That's correct.

9           Q.    Now, if in fact -- you were asked  
10 about whether the two properties were treated as  
11 being part of the same piece, the half acre and  
12 the 9.5 acres. First of all, isn't it true that  
13 they're in different names, one is owned by a  
14 corporation and one is owned by the partnership?

15          A.    Yes. One is Plessen and one is  
16 United.

17          Q.    And the corporation is not just  
18 Fathi and your father, it's other people;  
19 correct?

20          A.    Yes.

21          Q.    If the Court finds that the half  
22 acre belongs to Fathi, then you've actually  
23 separated the two ownerships, correct?

24          A.    Yes.

25          Q.    Because the 9.5 acre belongs to



1 Plessen, it's not part of these proceedings; is  
2 it?

3 A. That's correct.

4 Q. Now, coming back to Mr. Hannun,  
5 you indicated that he was present at the meeting  
6 when the elders were there and you, just based  
7 upon what you perceive pressure, you agreed to  
8 go ahead and transfer the two properties,  
9 whatever they may be, correct?

10 A. Yes, to go back to the same  
11 agreement he had with my dad.

12 Q. But before anything could be  
13 done, it's your understanding that Mr. Yusuf  
14 said No to that deal as well, correct?

15 A. That is correct, yes, he did.

16 Q. And why did he say No to that  
17 deal?

18 A. Because he said -- Fathi said,  
19 oh, I wasn't in my right mind or I wasn't  
20 present or you guys did something to me, or  
21 whatever, some kind of thing that came up. And  
22 that's all I got the following day, hey, no  
23 deal.

24 Q. And that's because he wanted more  
25 properties?

1           A.    Yes, he did.

2           Q.    And from your perspective, to  
3 give him the two properties would be to end  
4 everything, and if you couldn't end everything,  
5 there was no purpose for the deal anyway?

6           A.    My dad had an agreement with  
7 Fathi to end all things back in March, that's  
8 the agreement, that's what we all agreed on, and  
9 Fathi ended up saying, *I want more, I want more,*  
10 *I want more,* and there was no deal.

11          Q.    And even after your father and  
12 Fathi shook hands, did Fathi continue to look at  
13 paperwork and decide that more money had been  
14 taken?

15          A.    I assume, yes.

16          Q.    And he didn't turn around and say  
17 let's get this done and just finalize this deal?

18          A.    No.

19          Q.    And there was never a settlement  
20 agreement signed?

21          A.    There was none.

22          Q.    There was never a deed signed?

23          A.    None.

24                ATTORNEY PERRELL:  Objection.

25                There was a deed signed.  Misstates the

1 evidence.

2 **BY ATTORNEY HOLT:**

3 Q. Was there ever a deed signed for  
4 the Plessen property in St. Thomas?

5 A. No, Sir.

6 Q. Was there ever a deed signed for  
7 the half acre parcel in St. Thomas?

8 A. No, Sir.

9 ATTORNEY HOLT: Nothing further.

10 ATTORNEY PERRELL: I have no  
11 further questions, Your Honor.

12 THE COURT: Thank you very much,  
13 Mr. Hamed. You may be excused.

14 ATTORNEY HOLT: So my next  
15 witness -- I'm checking with my co-counsel.

16 Next, Your Honor, what we would just  
17 like to do is offer into evidence the Hannun  
18 declaration and, in particular, we would just  
19 like to read into the record -- you have the  
20 whole declaration in front of you -- paragraph  
21 19, and this declaration talks about leading up  
22 to this meeting.

23 **(Plaintiff's Exhibit No. 7.)**

24 And 19 says:

25 *We called Waleed after Mr. Yusuf had*

1           *agreed to settle the dispute for the two*  
2           *properties for what he had discovered, we*  
3           *called Waleed who came in and we told him*  
4           *of the agreement and we shook hands, and*  
5           *everyone left. Later that night, before 24*  
6           *hours past, Mr. Yusuf called and asked, if*  
7           *I find anything else, can he ask for it,*  
8           *and I said no the agreement covers*  
9           *everything, even what he doesn't know about*  
10          *right now, and Mr. Yusuf said no, that the*  
11          *agreement was for what he knew now, not for*  
12          *anything else he finds. Then there was no*  
13          *agreement.*

14                   ATTORNEY PERRELL: *Objection. It*  
15                   *misstates. There was no more agreement. He*  
16                   *misread the record.*

17                   ATTORNEY HOLT: *There was no more*  
18                   *agreement.*

19                   And we'd offer into evidence the  
20                   interrogatory responses that were attached to  
21                   the first request for admission where Mr. Yusuf  
22                   also indicates there was no agreement.

23                   **(Plaintiff's Exhibit No. 9.)**

24                   ATTORNEY PERRELL: *Objection. I*  
25                   *believe --*

1 THE COURT: Excuse me a minute.

2 ATTORNEY HOLT: We're off the  
3 record?

4 THE COURT: Yes, I'm off the  
5 record.

6 **(Off the record.)**

7 THE COURT: Do you have anymore  
8 witnesses?

9 ATTORNEY HOLT: I'm just going to  
10 offer into evidence the deposition excerpt, I  
11 think we already stipulated to.

12 **(Plaintiff's Exhibit No. 8.)**

13 ATTORNEY PERRELL: No objection  
14 to that, Your Honor.

15 THE COURT: Okay.

16 ATTORNEY HOLT: Exhibit No. 8.

17 THE COURT: Seven and eight by  
18 stipulation.

19 **(Plaintiff's Exhibit Nos. 7 and 8**  
20 **admitted into evidence by**  
21 **stipulation.)**

22 ATTORNEY PERRELL: Is that it?

23 ATTORNEY HOLT: No, Your Honor.  
24 We'd offer into evidence Exhibit No. 8, which is  
25 the deposition testimony where Mr. Yusuf

1 indicated that he deposited the rent receipts  
2 into the store account up until the point  
3 towards the end of the partnership when  
4 Mr. Yusuf told him not anymore. It speaks for  
5 itself. We offer that into evidence.

6 ATTORNEY PERRELL: No objection  
7 to offering those deposition excerpts into  
8 evidence, Your Honor.

9 ATTORNEY HOLT: We rest.

10 THE COURT: All right.

11 ATTORNEY PERRELL: Your Honor,  
12 just housekeeping. I meant to move the  
13 deposition excerpt of Mr. Waleed Hamed that were  
14 referenced in Exhibit 6 into evidence as well.

15 THE COURT: The testimony is in.

16 ATTORNEY HOLT: Let me mention  
17 this, you called it six, but the document says  
18 F.

19 THE COURT: She's using tab six  
20 of Exhibit F.

21 ATTORNEY PERRELL: Yes.

22 ATTORNEY HOLT: And we would ask  
23 that all of it come in, all of the exhibit under  
24 F.

25 THE COURT: It's in the record.

1                   ATTORNEY PERRELL: That's fine,  
2 Your Honor. I'm just trying to make sure we got  
3 everything and we can use it at some later  
4 point. Six is in, the entire deposition.

5                   **(Defendant's Exhibit No. 6 is**  
6                   **admitted into evidence.)**

7                   THE COURT: Okay.

8                   ATTORNEY PERRELL: Okay.

9 Mr. Yusuf, do you mind?

10                   ATTORNEY HOLT: Your Honor, I  
11 think it goes without saying the same with  
12 Exhibit 7, the Hannun affidavit as well.

13                   THE COURT: Yes, as stipulated.

14                   Please raise your right hand.

15                   **FATHI YUSUF,**  
16 **after having been first duly sworn, testified as**  
17 **follows:**

18                   THE COURT: You may be seated.

19                   THE WITNESS: Thank you.

20                   THE COURT: You may proceed.

21                   **DIRECT EXAMINATION**

22 **BY ATTORNEY PERRELL:**

23                   **Q.** Good morning. Good afternoon,  
24 Mr. Yusuf.

25                   **A.** Good morning. Good afternoon.

1           Q.    All right.  Let me ask you this,  
2           in 2011, did you have a meeting between  
3           yourself, Mohammad Hamed, in which Waleed was  
4           present at Mohammad Hamed's home?

5           A.    At Mohammed Hamed?  Yes.  Yes.

6           Q.    Would it be easier for you to  
7           understand me if I took my mask off?

8           A.    It's okay to take it?

9           THE COURT:  You may.

10          Q.    May I?  I think it's harder for  
11          him to hear me.

12          A.    Yes.

13          Q.    Is that better, Mr. Yusuf?

14          A.    Much better.

15          Q.    Okay.  Thank you.

16          A.    I hope so.

17          Q.    So let me ask the question again.

18          Do you recall a meeting between yourself,  
19          Mohammad Hamed in which Waleed Yusuf [sic] was  
20          present in 2011 at Mohammed Hamed's home?

21          A.    Yes, I recall we had a meeting  
22          between myself, Mr. Mohammad Hamed, and his son,  
23          Waleed.

24          Q.    The Judge has already made some  
25          findings on this, so we don't have to completely



1 revisit the whole thing, but can you tell us, to  
2 your recollection, what happened and what was  
3 discussed at that meeting?

4           **A.** Well, what I find at that time,  
5 it was \$2 million went to Jordan, and a million  
6 four was transferred to Plessen Enterprise.  
7 Plessen was newly established, had no license,  
8 and then Wally told me we receive one million  
9 four from St. Martin, and I say put it to  
10 Plessen. And then he called me five minutes  
11 later in St. Thomas and he said the bank will  
12 not allow us to proceed with Plessen. I said,  
13 well, put it in United, and I call it that. I  
14 never check.

15           When I see that, it remind me we  
16 receive the one million four. I went through  
17 all the deposits for United, all the deposits  
18 for Plessen, it was not any deposit for the one  
19 million four, it been transferred from  
20 St. Martin to St. Thomas -- to St. Croix.

21           **Q.** Okay.

22           **A.** So when I went to Mr. Mohammed  
23 Hamed, and his son was present, I ask him for  
24 two particular items that I find; a \$2 million  
25 from bank document, and the one million four it

1 remind me came in, but I never -- I was trusting  
2 Mohammad so much that I never went through it  
3 until I find out the man is a big thief.

4 Q. Mr. Yusuf, so what did you -- did  
5 you discuss how to resolve those issues that you  
6 found?

7 A. Nothing else, just these two  
8 items. Just these two items. How can I settle  
9 in a business, an operation of roughly over  
10 \$30 million of money, and I was in St. Thomas  
11 for 20 years, multiply 20 years by 30 million,  
12 it add up to hundreds of millions, and all my --  
13 I trust Wally. If I didn't trust Wally --

14 ATTORNEY HOLT: Your Honor, I  
15 object. It's not responsive.

16 A. -- it would be a different story.

17 THE COURT: Sustained.

18 **BY ATTORNEY PERRELL:**

19 Q. Mr. Yusuf, I understand. I just  
20 need you to focus on the question, okay?

21 A. Yes.

22 Q. So the question asked is, of the  
23 two things you just described, did you and  
24 Mr. Hamed discuss how to resolve that?

25 A. When I approached Mr. Mohammad

1 Hamed, he said, *What do you want?* I said, *Give*  
2 *me the property, such and such a property in*  
3 *Jordan, and give me the two property in, you*  
4 *know, we normally call it one, the 9.30 and the*  
5 *half acre in Tutu Park.* He said, *You can have*  
6 *it.*

7 Q. Okay.

8 A. I can see the man very shameful,  
9 I could see the man shows me that he's sorry for  
10 what he did, so I myself decided to tell him  
11 I'll take only one.

12 Q. Okay. Which one did you say you  
13 would take?

14 A. The 9.30 -- I mean the -- sorry,  
15 the Jordan property.

16 Q. Okay. All right. So, when you  
17 left that day, you discussed two properties?

18 A. Yes.

19 Q. You ultimately decided on one,  
20 correct?

21 A. Yes.

22 Q. Okay. And when you say the two  
23 properties, when you were saying Tutu, what  
24 properties were you discussing when you were  
25 talking about the Tutu property? What did you

1 mean?

2           **A.** Tutu is the two properties. We  
3 always call it one because we bought the 9.30  
4 for the purpose of building a supermarket, we  
5 bought it as a farm land. We paid a very good  
6 price for it. We went to the Legislature  
7 looking to rezone it. The Legislature object  
8 the rezoning, they want to use it farming,  
9 because we don't have the proper access and  
10 entrance because it's too much curve and it's  
11 down the hill, people sometimes go there  
12 speeding, they find it's dangerous. They say,  
13 if you find another exit and entrance, we will  
14 look into your request again.

15           Then I went around to the neighborhood  
16 and I found that piece of property. I bought  
17 it. The man asked for -- whatever he asked I  
18 give him for it, I believe it's 350, and I am  
19 not -- I don't need to buy properties. I have  
20 -- me and Mohammad have 1,200 acre of land in  
21 the Virgin Islands -- excuse me, please allow me  
22 to finish.

23           I even told the owner of the half acre,  
24 just turn it to us and you can keep collecting  
25 rent for yourself, we don't need the rent.

1 Whatever you want, just take it, because I  
2 needed the entrance to the highway. I went to  
3 the Legislature, resubmit my application, they  
4 said -- the Legislature said, now you have our  
5 approval, and that's how I got it.

6 Q. Okay. And so, after you leave  
7 Mohammad Hamed's house that day, did you come  
8 back to the store?

9 A. I did not stay too long by  
10 Mr. Mohammad Hamed home, maybe less than one  
11 hour because, really, we were family, but it was  
12 no pleasure. So as soon as I finished, I went  
13 to my store, enter my office, same document  
14 Mohammad had it right on my desk. I went  
15 through it and I found a check for 84,000 -- 80  
16 or 84,000 Jordan dinar. The dollar is only 70  
17 percent of that currency. That translate about  
18 120, \$126,000. He says, my father bought an  
19 olive farm and he pay for it at a good price.

20 When that happened, I think three, four  
21 years earlier, when he bought it -- excuse me,  
22 when he bought it, I asked him how much did you  
23 pay for it? He says \$20,000. And when I --  
24 later, about a year later or two years later, we  
25 talked about it again. He say I paid 20, but

1 now I will not sell it for a hundred.

2 Q. Mr. Yusuf, I'm not trying to cut  
3 you off, but I think we need to just -- I'm  
4 trying to focus here.

5 You went back to the store, you found  
6 some documents that seems contradictory to what  
7 you knew. Is that fair?

8 A. Yes. Unfortunately, I find that  
9 Mr. Mohammad is still lying to me.

10 Q. Okay. What did you do about it?  
11 What was the next thing?

12 A. I immediately look for Wally and  
13 tell him, *Wally, this, your father lied to me on*  
14 *this. Tell him I will take the two property.*

15 Q. Okay. And when you said the two  
16 properties, what did you mean?

17 A. The same two properties in  
18 St. Thomas.

19 Q. Okay.

20 A. That is already, you know, is the  
21 two property, the one in St. Thomas and the one  
22 in Jordan.

23 Q. Okay. And did you tell him to do  
24 anything?

25 A. I tell him make sure you tell

1 your father that's what I want.

2 Q. Okay.

3 A. I change my mind because the  
4 man -- your father was not truthful to me.

5 Q. Okay. And then when was the next  
6 time you spoke to Wally?

7 A. The very next time I saw him, I  
8 think the second day early in the morning, *Did*  
9 *you talk to your father?* He said, *Yes.*  
10 *Everything is okay?* He said, *Yes.* That's it.

11 Q. Okay. And from that  
12 conversation, did you understand that there was  
13 an agreement as to the two properties?

14 A. Yes.

15 Q. Okay. And when you say the two  
16 properties, you mean the Jordan property and the  
17 Tutu collectively?

18 A. And the two Tutu Park, yes.

19 Q. Okay. And did you understand  
20 that you could continue to investigate whether  
21 there had been any other issues or problems with  
22 the Hamed's?

23 A. Naturally. I only discussed it  
24 -- what I discovered, excluding the property,  
25 the farms, 120, because he told me 20, and I

1 trusted him. I could find out 120, he still owe  
2 me a hundred more, but still made me angry to  
3 back off on my promise. He caused that.

4 Q. Okay. But when you conveyed this  
5 to Wally Hamed and when Wally Hamed came back to  
6 you and said, *Yes, I told my father.* You  
7 understood that that was just for what you --  
8 what did you understand was the amounts of the  
9 resolution?

10 A. The resolution was two million in  
11 the bank and the 1.4. It was not a lump sum  
12 package.

13 Q. Okay. Were you also agreeing at  
14 that time to sell the stores and completely  
15 deal--

16 A. As soon as I find out, I really  
17 want to sell out.

18 Q. Okay. But did you agree that  
19 those two properties would be for every dispute  
20 between you?

21 A. No, I never expected that.

22 Q. Okay. All right. And so, did  
23 Wally ever tell you, *My father does not agree to*  
24 *the two properties?*

25 A. He have never told me. I told



1 him, when I think we check the one in Jordan, I  
2 told him, *When are you going to transfer the*  
3 *property in Tutu Park?* He said, *We're not going*  
4 *to do it.*

5 Q. All right.

6 A. I said, *Okay.* I find out in  
7 Jordan.

8 Q. Was that the first time when  
9 Wally told you, *We're not going to do it?*

10 A. Yes. And then I looked for  
11 people, and we agreed he will give it up, and we  
12 went home.

13 Q. Okay.

14 A. Fifteen minutes after I reach  
15 home, I want to double check. I will still  
16 going to keep searching. He told me, *No, no,*  
17 *no, no, it's not the agreement.* I said, *What do*  
18 *you mean not the agreement? What do I gain*  
19 *then? This man is giving me that long time ago.*  
20 *If he give me the third property in Jordan, I*  
21 *will guarantee you I will never search anymore.*

22 Q. Okay. What was the third  
23 property --

24 A. May I explain to the Judge?

25 Q. Hang on. What was the third

1 property in Jordan?

2 A. The third property in Jordan I  
3 bought for \$3 million. I have an offer to sell  
4 it for \$42 million and I turn it down.

5 Q. Okay. So, Mr. Yusuf, you never  
6 -- did you ever reach an agreement as to the  
7 third property?

8 A. No.

9 Q. Okay.

10 A. No. Wally issue is that if we  
11 give him the third property, he still going to  
12 keep asking. I said, No. I believe, I honestly  
13 believe, from my life, my experience of my  
14 capability, I never miss more than 2 percent in  
15 my estimate. I honestly believe Wally have  
16 steal me at least 55 to \$58 million in this 20  
17 years.

18 Q. All right. So, Mr. Yusuf, did  
19 you understand, when you went to Jordan, that  
20 you already had a deal with Mr. --

21 ATTORNEY HOLT: I'm sorry, finish  
22 the question.

23 Q. Did you understand that you had a  
24 deal with Mr. Hamed to transfer the Jordan  
25 property and the Tutu property and you could

1 still look for more? By the time you went to  
2 Jordan, is that what you understood or no?

3 ATTORNEY HOLT: Object to the  
4 question as leading.

5 THE COURT: Just a minute.

6 ATTORNEY HOLT: Object to the  
7 question as leading.

8 THE COURT: The question is  
9 leading.

10 **BY ATTORNEY PERRELL:**

11 Q. Mr. Yusuf, when you went to  
12 Jordan, what did you understand the deal was  
13 when you went to Jordan?

14 A. I understand I get paid or I  
15 settle on what I discovered. What I discovered  
16 at that time is one million four and \$2 million.

17 Q. And what was the settlement for  
18 what you had discovered at that time? What was  
19 the settlement agreement?

20 A. The property in Jordan and the  
21 one in Tutu Park.

22 Q. Okay. And the one in Tutu Park,  
23 was it both the 9.4 and the half acre?

24 A. Yes.

25 Q. Okay. And when you went to

1 Jordan, did Mr. Hamed ever say to you, *I'm not*  
2 *going to transfer the Tutu Park property to you?*

3 A. No, no, no, no, he never  
4 mentioned that.

5 Q. Okay. And did anybody on the  
6 Hamed side, while you were in Jordan, ever say,  
7 *We're not going to transfer the Tutu Park*  
8 *property to you?*

9 A. Wally had stated in St. Croix,  
10 not in Jordan.

11 Q. Okay. All right. And that was  
12 after you got back from Jordan?

13 A. Yes. When I request to transfer  
14 it, he had refused to transfer it.

15 Q. Okay. After Wally refused to  
16 transfer it, did you have meetings with other  
17 people in your community?

18 A. Yes.

19 Q. All right. And did you, during  
20 those meetings, try to enforce the agreement  
21 that you understood and to also try to maybe  
22 resolve everything?

23 A. I was trying to get what he had  
24 refused to give me after he --

25 COURT REPORTER: Excuse me. I

1 didn't get the ending part.

2 Q. Can you say it again? She could  
3 not hear you.

4 A. Oh, okay. The question again,  
5 please.

6 Q. Okay. Did you have a meeting  
7 with people --

8 A. Yes.

9 Q. -- in your community to enforce  
10 what you understood was the agreement and then  
11 possibly settle every dispute that you have?

12 A. Exactly, yes.

13 Q. Okay. And who was present at  
14 those meetings?

15 A. Wally, myself, Suleiman Khaled,  
16 Mohammad Hannun and Bakir Hussein, five of us.  
17 I miss somebody. And Mr. Khalid Ali, he passed  
18 away.

19 Q. Okay. And with regard to  
20 settlement of the two properties, the Jordan  
21 property and the Tutu property, did Wally agree  
22 that those needed to be transferred?

23 A. Yes, he definitely agreed in  
24 front of the family.

25 Q. Okay. And did Mr. -- did you

1 ever reach an agreement as to a global  
2 settlement of everything else?

3 A. I say to Wally, the man was  
4 stealing me, I discover he was stealing for the  
5 past 20 years. We never, I always want to keep  
6 searching, and I find. I choose a property what  
7 I believe is fair for him and me.

8 Q. Okay.

9 A. The two property -- the three  
10 property -- you call it three, I call it two --  
11 the one in Jordan and the location in Tutu Park,  
12 in addition to the property in Jordan, that  
13 should be equal to what I believe Wally have  
14 stolen.

15 Q. Okay. So just to be clear, the  
16 third Jordan property would have been a global  
17 settlement, correct?

18 A. I told the people in Plessen, he  
19 said if I give him this, he going to keep asking  
20 for property. I say, I guarantee you, I will  
21 never look anymore.

22 Q. Okay. And these were  
23 conversations that you had at these meetings  
24 with those people you just described, correct?

25 A. Yes.

1           Q.    Mr. Yusuf, have you testified  
2 about this agreement, the two-part property  
3 agreement in this case earlier?

4           A.    If what?

5           Q.    Have you given a deposition about  
6 this case, about this issue earlier?

7           A.    I believe so.

8           Q.    Okay. And do you recall giving a  
9 deposition about this case in 2014 about this  
10 issue?

11          A.    Yes, and I even mentioned the two  
12 piece of property in more -- what you call it,  
13 more explanation.

14          Q.    Okay. In more detail?

15          A.    In more detail.

16          Q.    All right. And was the  
17 deposition in 2014 the very first deposition  
18 that you gave in this case? Do you know?

19          A.    I don't remember. I make so many  
20 deposition.

21          Q.    All right. And then, Your Honor  
22 -- I'm sorry, Mr. Yusuf.

23                    ATTORNEY PERRELL: First of all,  
24 let me offer this. The exhibit -- Your Honor, I  
25 believe these are already part of the record,

1 but Exhibit 3 are certain portions of  
2 Mr. Yusuf's 2014 deposition. I would like to  
3 offer those into evidence.

4 ATTORNEY HOLT: Your Honor,  
5 unless --

6 THE COURT: When you refer to  
7 three, are you referring to --

8 ATTORNEY PERRELL: I'm sorry, C.

9 THE COURT: -- Exhibit C under  
10 tab three?

11 ATTORNEY PERRELL: Yes, Your  
12 Honor. The C is what we referred to in our  
13 motion, so I kept that because it's how I think  
14 about them. I apologize for the confusion. I  
15 just would like to offer those sections in his  
16 deposition into the record. They're already in  
17 the record, but just as an exhibit here.

18 ATTORNEY HOLT: Your Honor, we  
19 object. If he doesn't recall something, this is  
20 really for cross-examination, but you're not  
21 just offering exhibits. It's not really in the  
22 record.

23 ATTORNEY PERRELL: Well, that's  
24 correct.

25



1 **BY ATTORNEY PERRELL:**

2 Q. Mr. Yusuf, do you recall giving  
3 your deposition testimony in 2014 in this case?

4 A. Yes.

5 Q. Okay. And do you recall giving  
6 testimony about this dispute and this property  
7 transfer in that deposition?

8 A. Yes.

9 Q. Okay. Let me ask you to look at  
10 Exhibit 3, please? It's in the binder.

11 **(Defendant's Exhibit No. 3.)**

12 ATTORNEY HOLT: He has to  
13 establish that his testimony is very different  
14 before she refresh his recollection.

15 ATTORNEY PERRELL: Actually, Your  
16 Honor, my purpose for introducing it is not  
17 necessarily to demonstrate that it's different.  
18 My purpose for introducing it is to demonstrate  
19 that it is consistent, and that in 2014, in  
20 2020, and now today, Mr. Yusuf's deposition  
21 testimony on these issues is consistent every  
22 time he's sworn to talk about it.

23 ATTORNEY HOLT: Today his  
24 testimony he's giving. I don't think we need to  
25 go back to his old testimony.

1 THE COURT: It's not necessary.

2 ATTORNEY PERRELL: Okay. Is it  
3 already in the record? May I refer to it?

4 THE COURT: You may ask questions  
5 about it, but it's not necessary to put them on  
6 the record. His testimony will be judged in the  
7 observations of the whole thing.

8 ATTORNEY PERRELL: We would like  
9 to refer to that in various proposed findings  
10 because it is prior testimony that is  
11 consistent.

12 THE COURT: What proposed  
13 findings?

14 ATTORNEY PERRELL: In any  
15 proposed findings, and it's a matter of record  
16 already.

17 THE COURT: The proposed findings  
18 is based on the testimony and the exhibits  
19 admitted in this case.

20 ATTORNEY PERRELL: Okay.

21 THE COURT: The use of the  
22 deposition testimony is either to remind -- to  
23 refresh the witness's recollection or to  
24 contradict something he's now saying that he  
25 said at an earlier time. But consistency is not

1 a basis for the admission of prior deposition  
2 testimony unless it has been raised as an issue.

3 ATTORNEY PERRELL: All right.

4 **BY ATTORNEY PERRELL:**

5 Q. Let me ask you this, Mr. Yusuf,  
6 can you please take a look at -- actually,  
7 Mr. Yusuf, can you please look at --

8 THE WITNESS: Can I ask a  
9 question, please? I'm asking the Judge. This  
10 is my son, can he sit next to me in case I need  
11 him to explain to me in English?

12 THE COURT: No.

13 THE WITNESS: I don't want him to  
14 tell me what is the answer. I need somebody --  
15 I don't understand sometime your question.

16 THE COURT: Well, if you don't,  
17 the attorney will explain it to you.

18 ATTORNEY PERRELL: Yes, just let  
19 me know and I'll be happy to do it.

20 THE WITNESS: Okay.

21 **BY ATTORNEY PERRELL:**

22 Q. Mr. Yusuf, there is a another --  
23 do you know that there's another lawsuit that  
24 the Hamed's have brought against you in which  
25 Attorney Glenda Cameron is your attorney?

1           A.     Who?

2           Q.     Attorney Glenda Cameron is your  
3 lawyer, are you aware if that's the case?

4           A.     I don't know who that is.

5           Q.     Glenda Cameron?

6           A.     What is the case?

7           ATTORNEY HOLT: Your Honor, we'll  
8 stipulate that Glenda Cameron is his lawyer in  
9 another case.

10          THE COURT: Okay.

11          ATTORNEY PERRELL: What I'd like  
12 to do, Your Honor, is offer in certain -- I'm  
13 sorry, did you say you would agree to -- I want  
14 to introduce certain interrogatory responses  
15 that he gave in that case in addition to the  
16 ones that you have offered.

17          ATTORNEY HOLT: I'd object to  
18 that. I'm willing to stipulate that she's his  
19 lawyer in another case.

20          ATTORNEY PERRELL: Oh, I'm sorry,  
21 I thought you said it's fine. Okay. What I'd  
22 like to do is offer the interrogatory responses  
23 that you offered in, but I would like to  
24 introduce Exhibit No. 2, which are those  
25 interrogatory responses, and I would ask you if

1 you would agree to allow those to be introduced.

2 **(Defendant's Exhibit No. 2.)**

3 ATTORNEY HOLT: I'm sorry. Part  
4 of the same interrogatory you said?

5 ATTORNEY PERRELL: Yes.

6 ATTORNEY HOLT: It's part of the  
7 same interrogatory, this is Exhibit 2?

8 ATTORNEY PERRELL: Yes.

9 ATTORNEY HOLT: I don't think I  
10 have an objection to 2. Let me just make sure.  
11 I have no objection.

12 ATTORNEY PERRELL: Your Honor, we  
13 would like to move into evidence Exhibit No. 2,  
14 which is also tabbed as Exhibit B.

15 THE COURT: No objection, it will  
16 be admitted by stipulation. It's admitted  
17 without objection.

18 **(Defendant's Exhibit No. 2 is**  
19 **admitted into evidence.)**

20 ATTORNEY HOLT: Excuse me?

21 THE COURT: Without objection, it  
22 will be admitted.

23 **BY ATTORNEY PERRELL:**

24 Q. Now, Mr. Yusuf --

25 A. Yes.

1 Q. -- in this case --

2 A. Yes.

3 Q. -- are you asking to get the  
4 \$2 million and the \$1.4 million that was part of  
5 what you understood those properties before --  
6 are you asking for that in this case?

7 A. No. I consider that is already  
8 settled with these properties.

9 Q. Okay. Mr. Yusuf, have you read  
10 -- I'm sorry. Have you read the deposition  
11 testimony that you gave in 2014 relating to this  
12 case?

13 A. Some of it.

14 Q. Okay. You testified a moment ago  
15 that the testimony you gave before had some  
16 greater detail than what you've described here.  
17 Do you recall that?

18 A. I would say so, yes.

19 Q. Let me ask you to look at Exhibit  
20 No. 3.

21 ATTORNEY HOLT: Your Honor, once  
22 again, you can't use deposition testimony unless  
23 she's impeaching him, so I don't understand the  
24 purpose of the proffer.

25 ATTORNEY PERRELL: Your Honor,

1 again, I apologize. It's somewhat  
2 unconventional, but here's the issue. The issue  
3 has been, and even the testimony provided by  
4 Mr. Hamed is that Mr. Yusuf is always changing  
5 the deal and always changing things. And the  
6 reason for offering this sworn testimony from  
7 2014 and then interrogatory responses and then,  
8 also, I was going to offer the 2020, to  
9 demonstrate that Mr. Yusuf's understanding of  
10 the scenario of what happened, the arrangements  
11 and so forth, has been consistent all the way  
12 through, that there hasn't been an  
13 inconsistency.

14 ATTORNEY HOLT: He can testify to  
15 that. But secondly, litigation consistency and  
16 what happened back in a 2003 litigation is two  
17 different things.

18 THE COURT: The attempt to prove  
19 consistency in prior testimony is not  
20 admissible. It's his testimony in this case  
21 before this Judge.

22 ATTORNEY PERRELL: Okay.

23 THE COURT: And if it's  
24 challenged, it will be by an inconsistency, not  
25 by consistency.

1                   ATTORNEY PERRELL: Understood  
2 Your Honor. All right.

3 **BY ATTORNEY PERRELL:**

4                   Q. Mr. Yusuf --

5                   A. Yes.

6                   Q. -- in front of you is an exhibit  
7 marked by the other side and admitted as Exhibit  
8 No. 4. It's in those pile of documents --

9                   ATTORNEY HOLT: May I approach?

10                  THE COURT: Yes.

11                  A. This is -- yeah, this is the  
12 property in Jordan.

13                  Q. Okay. And you were present for  
14 when the transfer occurred; is that correct?

15                  A. Yes.

16                  Q. And have the Hamed's challenged  
17 this transfer of property?

18                  A. No. No. The lawyer ask him, he  
19 ask him about it, and he said, *Yes, I want to*  
20 *transfer it*, and he signs it and his son signs  
21 it in his signature as a witness.

22                  Q. After it was transferred, have  
23 the Hamed's claimed that the transfer should not  
24 go forward? After this happened, after the  
25 transfer in your meeting in Jordan, have the



1 Hamed's later challenged that?

2 A. Up to now they challenge it.

3 ATTORNEY PERRELL: All right.

4 Mr. Yusuf, I don't have any further questions.

5 I think Attorney Holt is going to ask you some

6 questions.

7 **CROSS-EXAMINATION**

8 **BY ATTORNEY HOLT:**

9 Q. Mr. Yusuf --

10 A. Yes.

11 Q. -- first of all, we're talking  
12 about the two properties in St. Thomas; one is  
13 9.4 acres and one is 1.5 acres, correct?

14 A. There's no 1.5. It's less than  
15 one.

16 THE COURT: It's .5 acres.

17 ATTORNEY HOLT: Okay. Your  
18 Honor, if I may?

19 THE COURT: Yes.

20 **(Blow up of Plaintiff's Exhibit  
21 No. 2.)**

22 **BY ATTORNEY HOLT:**

23 Q. So, in St. Thomas there's one  
24 parcel that's 9.438 acres, correct?

25 A. Yes, this is one.

1 Q. And there's another part that's  
2 .536 acres, correct?

3 A. Yes.

4 Q. And this parcel (pointing) was  
5 bought first, correct?

6 A. Excuse me?

7 Q. This property (pointing) was  
8 purchased first, wasn't it?

9 A. Yes.

10 Q. And it was placed in the name of  
11 a corporation, Plessen Enterprises, Inc.?

12 A. Yes.

13 Q. And your family owns half of that  
14 corporation?

15 A. Yes.

16 Q. And how is the ownership broken  
17 down?

18 A. They own 50 percent, we own 50  
19 percent.

20 Q. Yeah, but in your 50 percent --

21 A. I don't know.

22 Q. You don't know?

23 A. I don't know.

24 Q. You understand that in the other  
25 50 percent that Mr. Hamed owns 10 percent and

1 each of his children own 10 percent?

2 A. I understand himself and his  
3 children is 10, 10, 10. No, we are six. Me and  
4 my wife and five children, we are six. I don't  
5 know how we have it.

6 Q. Okay. And then the piece of  
7 property that's over here (pointing), the  
8 .536 --

9 A. I don't know what that piece of  
10 property amount. I don't think that property.  
11 I don't think --

12 Q. Let me ask the question first,  
13 okay?

14 A. Sure.

15 Q. Okay. The .536 parcel --

16 A. What is that?

17 Q. The .536 parcel that was bought  
18 to access the Plessen property, that wasn't put  
19 in the name of Plessen Corporation, was it?

20 A. Wait a minute. I honestly don't  
21 know. All I know is we bought a half acre,  
22 approximately a half acre, maybe the .536.

23 Q. And do you understand that this  
24 is owned by the partnership?

25 ATTORNEY PERRELL: Objection.

1 Objection. Objection. Wait, Mr. Yusuf.

2 Objection.

3 Q. I'll rephrase it.

4 Do you understand that this was  
5 purchased by the partnership and then owned by  
6 the partnership at least until 2012; do you  
7 understand that?

8 A. We bought the both property in  
9 the name of the partnership. That Plessen, and  
10 again, we brought in Plessen, and then after I  
11 said, *No, after the rain, you have to put it*  
12 *back in United.* Then United still partnership  
13 until Mohammad Hamed give it up.

14 Q. So these two properties aren't in  
15 the same name, are they?

16 A. I don't know. I don't know if  
17 that .536 is a property that I own or my  
18 neighbor.

19 Q. Okay.

20 A. All I know is we have half acre  
21 for entrance purposes.

22 Q. All right.

23 A. That's all we know.

24 Q. And if Mr. Mohammad Hamed only  
25 owns 10 percent of Plessen, how can he give that

1 to you when he only owns 10 percent?

2 A. Excuse me?

3 Q. If Mr. Hamed, Mohammad Hamed,  
4 only owns 10 percent of Plessen, how can he give  
5 that to you? He only owns 10 percent of it,  
6 that's all he owns.

7 A. Come on. Where the other -- if I  
8 want to give that son, you see him, he's on  
9 fifth floor and I tell him jump, he will never  
10 say not me, he will. That's the Arab custom.  
11 Don't come up with the American custom here. We  
12 both Arab, we understand ourself this way.

13 Q. Well, do you understand that if  
14 the children of Mr. Hamed -- let me finish my  
15 question. You understand that if the children  
16 didn't agree to transfer the Plessen property,  
17 that you wouldn't get a --

18 A. They don't interfere. The  
19 children never interfere. Mohammad Hamed swear  
20 on the Quran for something he never touched.

21 Q. That's not my question.

22 A. He left everything for his  
23 children.

24 Q. That's not my question. If the  
25 children decided not to transfer, then it's not

1 his to transfer, correct?

2 A. Sir, whatever they steal, the  
3 whole family owes it. Whatever Mohammad steal,  
4 the whole family responsible --

5 Q. Judge, could you ask him to  
6 answer my question?

7 A. -- and they all enjoying it.

8 THE COURT: Can you answer the  
9 question?

10 A. I don't know what he say.

11 Q. Well, you said you spoke to  
12 Mohammad Hamed about transferring the  
13 property --

14 A. Yes.

15 Q. -- on March 11th, and he offered  
16 the property?

17 A. Yes.

18 Q. And you decided not to accept it,  
19 correct?

20 A. No, no, no, no. I accepted it,  
21 but I decide I give it to him. I let him keep  
22 it because he showed me that he suffering. He  
23 made a mistake. He's angry over what he did.  
24 When I went to the store, he find -- I find the  
25 man is more thief. Something he bought for

1 20,000, I find that he paid 120, then I get  
2 angry and I tell his son, *Tell your father I*  
3 *want the property back.*

4 Q. So, when you left his house that  
5 day, you shook hands, and you were going to take  
6 one property that's in Jordan, correct?

7 A. I did not say that.

8 Q. Did you --

9 A. Wally agreed.

10 Q. Did you have an agreement?

11 A. We have an agreement.

12 Q. Okay. And then when you got back  
13 to the store, you said that you decided to keep  
14 on looking; is that correct?

15 A. Yes.

16 Q. So, what was your agreement?  
17 Wasn't the agreement one piece of land and  
18 everything would be done?

19 A. No. It states what is the price  
20 for the land they took, 1.4 and the 2 million.  
21 Come on, it's clear.

22 Q. All right.

23 A. How it could be I can't look  
24 anymore.

25 Q. Okay. So you kept looking and

1 you just decided that you found another \$126,000  
2 that was missing; is that correct?

3 A. Not missing. It's hidden.

4 Q. Okay. And so, because of that,  
5 you then went back and told Wally, *Tell your*  
6 *father --*

7 A. Yeah, I got angry.

8 Q. -- *now I want the Plessen*  
9 *property, correct?*

10 A. No, no, no, no. He's not -- he  
11 don't deserve that I should let him keep it.

12 Q. Okay. So when you told Wally,  
13 was he to go back and now get both pieces of  
14 property --

15 A. Both.

16 Q. -- or just one piece?

17 A. Both. Both.

18 Q. So the agreement for the first  
19 piece was off and now you were trying to go back  
20 and get a third piece of property?

21 A. Don't try to confuse me. I am  
22 not going to be confused.

23 Q. Judge, could you ask him to  
24 answer the question?

25 A. No, no, no. What is your



1 question? I tell you Mohammad Hamed, he  
2 represent himself and all his children. That's  
3 my understanding.

4 Q. Okay. So here's my question, you  
5 have an agreement with him for one piece, you go  
6 back and you look and you see on the books that  
7 you think more is missing, so you tell him the  
8 agreement is no agreement, and now you want both  
9 pieces, correct?

10 A. Yes.

11 Q. And you told Wally to go back and  
12 tell him that you wanted both pieces, correct?

13 A. Yeah.

14 Q. Okay. And did you ever talk  
15 yourself to Mohammad Hamed about it?

16 A. Look, Mohammad never left his  
17 house after I discover it. He don't want to see  
18 nobody. He don't even come to the Mosque.

19 Q. So you never spoke to Mohammad  
20 Hamed again?

21 A. No, I will never speak to a man  
22 like that after I discover who he is.

23 Q. So after you left his house, the  
24 only conversations you had was with Wally Hamed,  
25 correct?

1           A.     Wally, and not too much, maybe  
2     once or twice.

3           Q.     You had no more discussions with  
4     Mohammad Hamed after you left his house that  
5     day, ever again?

6           A.     No, I don't recall, and I don't  
7     think I will.

8           Q.     Okay.  When the meeting took  
9     place with the elders in September or October of  
10    2011, Mr. Hannun was present?

11          A.     Excuse me.  Ask me the question  
12    please.

13          Q.     So the meeting took place --  
14    there were meetings -- so after you came back  
15    from Jordan --

16          A.     Yes.

17          Q.     -- there were meetings with the  
18    elders just trying to discuss all this, correct?

19          A.     The meeting what?

20          Q.     There were meetings in Jordan --  
21    excuse me, in St. Croix with the elders to try  
22    to clean all this up, correct?

23          A.     Yes.

24          Q.     Okay.  And Mohammad Hannun was  
25    one of the people present?

1           A.    Yes.

2           Q.    And at that time, Glenda Cameron  
3 was one of your lawyers?

4           A.    Who?

5           Q.    Glenda Cameron?

6           A.    Glenda?  The lady, she have an  
7 office up the street?

8           Q.    Yes.

9           A.    Yes.

10          Q.    She was one of your lawyers,  
11 right?

12          A.    Yes.

13          Q.    And she notarized an affidavit  
14 from Mr. Hannun, correct?

15          A.    I think Nazar is the one who  
16 affidavit.

17          Q.    Huh?

18          A.    I think Nazar -- I never dealt  
19 with Hannun on that.

20          Q.    Have you seen these affidavits?

21          A.    Yes.

22          Q.    Okay.  Did you see them before  
23 they were signed?

24          A.    Excuse me?

25          Q.    Did you see these before they

1 were signed?

2 A. No.

3 Q. Who drafted these affidavits?

4 A. Who? I don't know. You want me  
5 to read it from here?

6 Q. Do you know who actually wrote  
7 these affidavits?

8 A. Tell me who it is, please.

9 Q. This is Mr. Hannun's affidavit.

10 A. Yes, he signed it, he was there.  
11 I don't know if I was there or not, I doubt it.

12 Q. Did he type this up? Did he type  
13 this up? Do you know?

14 A. Ask him that question, not me.

15 Q. All right. In his affidavit on  
16 paragraph 19, he says:

17 *We called Waleed after Mr. Yusuf had*  
18 *agreed to settle the dispute for the two*  
19 *properties for what he discovered, we*  
20 *called Waleed who came in and we told him*  
21 *of the agreement and we shook hands, and*  
22 *everyone left.*

23 Is that what happened?

24 A. On the two property only. But, I  
25 want to continue search.

1 Q. So, Mr. Hannun says:

2 Later that night, before 24 hours past,  
3 Mr. Yusuf called and asked, if I find  
4 anything else, can he ask for it, and I  
5 said no the agreement covers everything,  
6 even what he doesn't know about right now,  
7 and Mr. Yusuf said no, that the agreement  
8 was for what he knew now, and not for  
9 everything else he finds. Then there was  
10 no more agreement.

11 Is that what happened?

12 A. I don't know who told you that.

13 Q. So that's not correct?

14 A. I don't know who told you that.

15 I never say that. I just want to confirm I am  
16 going to continue search.

17 Q. Okay. So after --

18 A. I told you already, the man run a  
19 business for 20 years --

20 Q. All right. So --

21 A. -- and I tell you what is the  
22 property for, a million four and two million.

23 Q. So here's my question, after the  
24 meeting where Mr. Hannun was present, and Wally  
25 agreed to give two properties, it's your

1 testimony that you could still continue to look  
2 for more properties?

3 A. Yes, because he give it to me for  
4 what I show him I want, the two million and the  
5 1.4.

6 Q. And was there ever an agreement  
7 signed on that? Was there ever anything signed  
8 on that?

9 A. No, we don't sign.

10 Q. And was the property in  
11 St. Thomas ever conveyed?

12 A. That's what I requested, the  
13 property in St. Thomas to be transferred to me  
14 and they said, No.

15 ATTORNEY HOLT: Your Honor, may I  
16 have just a short break, I think I'm probably  
17 wrapping up.

18 THE COURT: Yes, you may. Ten  
19 minute recess.

20 (Recess had.)

21 \* \* \*

22 (After the recess.)

23 ATTORNEY HOLT: I have no more  
24 questions.

25 ATTORNEY PERRELL: Just a couple.

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**REDIRECT EXAMINATION**

**BY ATTORNEY PERRELL:**

Q. So, Mr. Yusuf, just a couple follow-up questions. Attorney Holt asked you if this deal that you've described was in writing. Was the partnership deal in writing?

A. No, the whole Plaza Extra is not in writing.

Q. Okay.

A. It's only shake hand.

Q. All right. So, when Waleed Hamed came back to you and you asked him, *Did you speak to your father?* At what point in time did you believe that that half acre, the little out parcel, the half acre in Tutu was no longer partnership property?

A. From the time we had that meeting and I went home and, you know, because I felt sorry for him, when I realize the man was lying to me, he don't mind his age, he don't mind the way he look, but he still is not perfect, that I draw my word because he don't deserve it.

Q. Okay. So when did that --

A. From that day, the property is mine.

1           Q.    Okay.  And was there any  
2 paperwork that needed to happen for that half  
3 acre to go from being considered partnership to  
4 now being something that is owned by you or  
5 something that you have access to individually?

6           ATTORNEY HOLT:  Objection.  Calls  
7 for a legal conclusion.

8           A.    In that case --

9           THE COURT:  He may answer it.

10          A.    In that case, I don't need  
11 anything because the property is already in the  
12 name of United.

13          Q.    Okay.

14          A.    All I want to discover if they no  
15 longer have anything in it.

16          ATTORNEY PERRELL:  Okay.  All  
17 right.  I have no further questions, Mr. Yusuf.  
18                I think we are done.

19                I would like to offer in a couple of  
20 affidavits that we had already stipulated to,  
21 but I have no further questions for Mr. Yusuf,  
22 so you're good.

23          THE WITNESS:  I could leave now?

24          THE COURT:  No, Attorney Holt  
25 wants to ask you some more questions.



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**RECROSS-EXAMINATION**

**BY ATTORNEY HOLT:**

Q. Did the partnership -- did the property in the name of Plessen Enterprises, LLC, did that automatically transfer to your name, too?

A. I don't understand the question.  
ATTORNEY HOLT: No other questions.

THE WITNESS: Tell me, tell me. No, we're here. I go home 1:30 in the morning every day.

ATTORNEY PERRELL: We're good. No further questions.

THE COURT: Thank you, Mr. Yusuf, you may be excused.

ATTORNEY PERRELL: So, Your Honor, just to make sure that we've got everything in.

Did you put in Hannun?

ATTORNEY HOLT: I did offer Hannun.

ATTORNEY PERRELL: Okay. Your Honor, we'd like to go ahead and offer into evidence, the parties have agreed by

1 stipulation, what would be our Exhibit 17 and  
2 our Exhibit 18. Exhibit 17 is the affidavit of  
3 Suleiman Khaled, and Exhibit 18 is the affidavit  
4 of Bakir Hussein, and the parties have agreed by  
5 stipulation to allow that to occur.

6 **(Defendant's Exhibit Nos. 17 and**  
7 **18 admitted into evidence by**  
8 **stipulation.)**

9 ATTORNEY HOLT: Other than that,  
10 the only other exhibit you have is Exhibit 2.

11 THE COURT: Two.

12 ATTORNEY HOLT: Two and five? Or  
13 two and six?

14 ATTORNEY PERRELL: Two and six.

15 THE COURT: Yes.

16 ATTORNEY PERRELL: All right,  
17 Your Honor.

18 THE COURT: Thank you.

19 ATTORNEY PERRELL: And if, rather  
20 than giving closing statements, we would ask  
21 that the parties be allowed to do proposed  
22 findings. I think that's easier for everyone,  
23 if the Court would allow.

24 THE COURT: I have no objection.  
25 How long would you like?

1                   ATTORNEY PERRELL: Proposed  
2 findings as opposed to closing arguments.

3                   ATTORNEY HOLT: That's fine.  
4 What is our deadline?

5                   ATTORNEY PERRELL: I guess it  
6 would depend on when we can get the transcript  
7 back.

8                   THE COURT: It's a short  
9 transcript. How much time after you receive the  
10 transcript do you need?

11                   ATTORNEY HOLT: Well, I've got  
12 one week of vacation in there.

13                   THE COURT: I know.

14                   ATTORNEY HOLT: And I've got some  
15 medical in there. Really and truly, I'm just  
16 finishing up --

17                   THE COURT: All right. Both  
18 parties should file their proposed findings and  
19 conclusions on or before October 30th.

20                   ATTORNEY PERRELL: October 30?

21                   THE COURT: Yes. Because I know  
22 that the transcript will be filed by Monday.

23                   Is that agreed, Attorney Holt? The end  
24 of October?

25                   ATTORNEY HOLT: I'll make it

1 work.

2 ATTORNEY PERRELL: Your Honor,  
3 just to clarify, October 30th is a Saturday,  
4 should we make it either the 29th or November 1?

5 ATTORNEY HOLT: Work expands, so  
6 both of us are not available.

7 THE COURT: The 29th should be  
8 good.

9 ATTORNEY PERRELL: Thank you,  
10 Your Honor.

11 ATTORNEY HOLT: Okay. Thank you.

12 ATTORNEY PERRELL: Thank you,  
13 everyone. Appreciate it. Thank you, Carl.  
14 Nice to see you.

15 ATTORNEY HARTMANN: Thank you.  
16 Nice to see all of you.

17 THE COURT: And thanks for  
18 getting Joel back into the courtroom.

19

20 (WHEREUPON, proceedings concluded.)

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