

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

**HISHAM HAMED, individually, and
derivatively, on behalf of SIXTEEN
PLUS CORPORATION,**

Plaintiff,

v.

**FATHI YUSUF, ISAM YOUSUF and
JAMIL YOUSEF**

Defendants,

and

SIXTEEN PLUS CORPORATION,

a nominal Defendant.

Case No.: 2016-SX-CV-650

**DERIVATIVE SHAREHOLDER
SUIT, ACTION FOR DAMAGES
AND CICO RELIEF**

JURY TRIAL DEMANDED

**THIRD AMENDED REPORT OF PARTIES' PLANNING MEETING PURSUANT TO
VIRGIN ISLANDS RULES OF CIVIL PROCEDURE 16 AND 26 (f)**

1. Participants:

Pursuant to V.I. R Civ. P. 16 and 26(f), counsel for the parties conferred on November 10, 2022, and agreed on the matters set forth below. Agreeing to this report are the following:

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2. Pre-Discovery Disclosures:

The parties will continue to exchange the information required by V.I. R. Civ. P. 26(a)(1).

3. Discovery Plan:

The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects:

- factual bases of the allegations stated in the complaint;
- the extent of the damages claimed by the plaintiff; and
- the defenses asserted by the defendants.

A. Written discovery:

All written discovery shall be propounded by **September 15, 2022**.

B. Fact witness depositions:

All fact witness depositions shall be completed by **March 31, 2023**.

Maximum number of depositions as provided by V.I. R. Civ. P. 30 (a)(2)(A). It is anticipated that plaintiff and defendants may need to exceed 10 depositions each and they will reasonably cooperate in scheduling same.

Duration of depositions as provided by V.I. R. Civ. P. 30(d)(1).

C. Expert discovery

Reports from retained experts under Rule 26(a)(2) due:

- from plaintiff by **May 24, 2023**;
- from defendants by **August 15, 2023**.

Expert witness depositions shall be completed by **August 30, 2023**.

4. Other Items:

Mediation shall be scheduled prior to **March 31, 2023**.

Currently pending is Fathi Yusuf's Rule 12(b)(6) Motion to Dismiss First Amended Complaint. Any additional dispositive motions shall be filed on or before November 30, 2023.

Settlement can be evaluated at any time during the pendency of the action. Final lists of witnesses and exhibits shall be provided as directed by the court. The case should be ready for trial on a date set by the court at the final pretrial conference.

Counsel for the Defendants have authorized Plaintiff's counsel to file this Report using their electronic signature.

**Co-Counsel for the
Sixteen Plus/Hamed Parties:**

Dated: November 15, 2022

/s/Joel Holt

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Dated: November 10, 2022

/s/James Hymes III

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Dated: November 15, 2022

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