

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

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

YUSUF'S OPPOSITION TO HAMED MOTION TO COMPEL RE REVISED CLAIM H-146 – IMBALANCE IN CREDIT CARD POINTS

Hamed's Current Motion to Compel Relating to Hamed Revised Claim H-146 – Imbalance in Credit Card Points is premised upon Yusuf's alleged failure to fully respond to

Hamed Interrogatory No. 22, which seeks information as to the value of credit card points incurred on business purchases from 2008 to 2015 (when the stores were split).

In response, Yusuf objected on the grounds that the information cannot be easily obtained as the partners did not traditionally track the amount of credit card points that each family member employee used when making business purchases and never previously divided or reconciled those points. Various Hamed and Yusuf family members would purchase inventory and other business expenses on credit cards, and each would be reimbursed for those expenses. As members of both families were engaged in this process, the credit card points that accumulated simply remained available to the family member to use. There was no tracking of the points or reconciliation of the points accumulated in the history of the Partnership. The accountant for the Partnership provided a detailed response relating to this issue in his May 17, 2016 letter and Yusuf incorporated such information into his response to this interrogatory. *See* Exhibits 4 and 6 to Hamed's Motion to Compel dated July 28, 2021. That response indicates that attempting to go back over years to determine the points attributable to the business-related purchases and then to value them, would be onerous and was not something that the Partnership had ever done previously. Hamed contends that based upon their review of the records provided by Gaffney, that between 2013 -2015, the total value of business purchases for the credit cards was in excess of \$45 million—not surprising given the volume of the business operations. However, to attempt to weed through all of the transactions comprising the \$45+ million for just two years, much less for an additional 5 years going back to 2008, is onerous. Further, as Gaffney explained, the credit card points are not something that was tracked in the General Ledger. Gaffney details why such a task would be extremely time consuming. *Id.* Exhibit 6. Since the partners never tracked those credit card points in the past, requiring such an

undertaking now is improper and unduly burdensome. For these reasons, Hamed's Motion to Compel should be denied.

Respectfully submitted,

DUDLEY NEWMAN FEUERZEIG, LLP

DATED: February 3, 2022

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Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of February, 2022, I caused the foregoing **Yusuf's Opposition to Hamed's Current Motion to Compel Relating to Hamed Claim H-146 – Imbalance of Credit Card Points**, which complies with the page and word limitations of Rule 6-1(e), to be served upon the following via the Case Anywhere docketing system:

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