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Via Email

Stefan Herpel and Charlotte Perrell, Esqs.
DNF
Law House
St. Thomas, USVI

**RE: Rule 37 – Demand for Compliance with Court Order and
Meeting re Same (H-146 credit card points)**

Counsel:

As you know, Judge Ross was VERY specific as to what Yusuf had to answer and produce. The *Supplemental Response* filed today does not have five groups of the items. As stated below, we also want a sixth item. Mr. Yusuf's signature.

Rather than re-type the points missing in the order, they are underlined below – in situ -- in the order that appear in that order.

Based on the foregoing, the Master will grant Hamed's motion to compel responses to discovery served in connection with Hamed Claim No. H-146 as specified in this Order. Accordingly, it is hereby:

ORDERED that Hamed's motion to compel as to Interrogatory 22 is GRANTED. Interrogatory 22 shall be revised as follows:

"With respect to H-146, state the approximate value of these credit card points, by describing: the approximate number of points from **January 1, 2012** through March 9, 2015; **the present value of that many points if negotiated on the date of these answers at the point-to-dollar value now** -- and **show all of your calculations, sources of information and support for this approximation.**"

Thus, you will supply:

- (1) the points analysis for 2012, by Mr. Gaffney or otherwise.
- (2) present value of the points obtained by Hamed, and for Yusuf and the difference (you may use the industry standard of 1 cent per point) and
- (3) your calculations and the sources (if you use other than 1 cent per point.)

The order goes on:

It is further, ORDERED that, within thirty (30) days from the date of entry of this Order, Fathi Yusuf shall file a supplemental response to Interrogatory 22 and respond to Interrogatory 22 “fully in writing under oath” as required under Rule 33. It is further:

ORDERED that Hamed’s motion to compel as to RFPD 26 is GRANTED in the context of Hamed Claim No. H-146 as specified in this Order. It is further:

ORDERED that, within thirty (30) days from the date of entry of this Order, Fathi Yusuf, as the former managing partner of the Partnership and as the current liquidating partner under the Final Wind Up Plan, shall PRODUCE the following documents on behalf of the Partnership in response to RFPD 26: (i) for the period January 1, 2012 through March 9, 2015: **all credit card statements of the Partnership's business credit cards with the cardholders identified as Fathi Yusuf, Maher Yusuf, NejeH Yusuf, and Yusuf Yusuf,** and (ii) for the period **January 1, 2012** through March 9, 2015: **all credit card statements of Fathi Yusuf, Maher Yusuf, NejeH Yusuf, and Yusuf Yusuf (individually and any combination of joint accounts between them and all joint accounts with their spouses) that included purchases made/expenses paid on behalf of the Partnership which were subsequently submitted to the Partnership and reimbursed** by the Partnership. This order shall not limit the March 17, 2022 order in any way and Fathi Yusuf shall continue to comply with the March 17, 2022 order. **And** it is further:

ORDERED that **Fathi Yusuf MUST RESPOND to Interrogatory 22 and RFPD 26 in compliance with the Virgin Islands Rules of Civil Procedure;** Fathi Yusuf CANNOT answer by reference.

Thus, you will supply:

(4) 2012-2015 credit card statements of the Partnership's business, and

(5) 2012-2015 credit card statements for "Fathi Yusuf, Maher Yusuf, Nejeh Yusuf, and Yusuf Yusuf (individually and any combination of joint accounts between them and all joint accounts with their spouses) that included purchases made/expenses paid on behalf of the Partnership."

(6) Yusuf signature.

If you cannot supply #5 from materials previously given to BDO, you need to explain the prior representations to Judge Ross -- and supply a declaration (signed by Yusuf) to that effect and how BDO was able to make the comparisons.

Conclusion:

As the Court pointed out, and has ordered as well, you and BDO have represented to Judge Ross that all of this data was supplied to BDO and was the basis for its comparisons between the Yusufs and Hamed in this claim and in the LIFESTYLE ANALYSIS – and is therefore represented to be in your or their hands. These were NOT IN PREVIOUSLY SUPPLIED BDO MATERIALS.

Thus, leaving aside the missing 2012 data, and the fact that even by these results \$10 million cannot be accounted for; **we need all 6 of these sets of information**. You are already over the time limit and in KNOWINGLY contempt of the explicit language of the order.

When can we meet to discuss this?



Carl J. Hartmann III