

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

**SUPPLEMENTAL RESPONSES
TO HAMED'S DISCOVERY**

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

1. Interrogatory 38:

Following the Court's Order of May 11, 2022, the interrogatory was revised to read:

"Identify all amounts in excess of \$10,000 that were transferred from the Partnership account(s) to Fathi Yusuf or United Corporation via checks from September 17, 2012 thru March 9, 2015."

Supplemental Response:

Yusuf requested John Gaffney to review the accounting records of the Plaza Extra stores to secure the information requested. The original general ledgers for this period of time reflects the information responsive to this interrogatory and it is as follows:

4038	106000-10	Banco Popular Operating STX	2/6/12		GENJ	Wic Dep	2,226.76	
4039	106000-10	Banco Popular Operating STX	2/7/12	64866	CDJ	UNITED SHOPPING PLAZA		5,408,806.74
4040	106000-10	Banco Popular Operating STX	2/7/12	64864	CDJ	UNITED CORPORATION DBA UNITED		5,408,806.74
4041	106000-10	Banco Popular Operating STX	2/7/12	64865	CDJ	UNITED SHOPPING PLAZA		5,408,806.74
4042	106000-10	Banco Popular Operating STX	2/7/12	64864V	CDJ	UNITED CORPORATION DBA UNITED	5,408,806.74	
4043	106000-10	Banco Popular Operating STX	2/7/12	64865V	CDJ	UNITED SHOPPING PLAZA	5,408,806.74	
31574	105000-10	Scotia - Telecheck East	8/15/12		GENJ	CHK MAKE TO UNITED CORPORATION		2,784,706.25
31575	305100-10	Sales - Checks	8/15/12		GENJ	CHK MAKE TO UNITED CORPORATIC	2,784,706.25	
146197	105200-20	Scotia - Payroll STT	12/29/12	65178	PRJ	YUSUF, FATHI		32,550.87
146198	105200-20	Scotia - Payroll STT	12/30/12	65380	PRJ	YUSUF, FATHI		9,122.93
146252	231000-20	Accrued VI Withholding T	12/29/12	65178	PRJ	YUSUF, FATHI		16,724.13
146463	670020-20	Officers' Salaries	12/29/12	65178	PRJ	YUSUF, FATHI		50,000.00
146464	670020-20	Officers' Salaries	12/30/12	65380	PRJ	YUSUF, FATHI		13,134.62
17350	33000	Dividend Distributions	1/15/13	18040	CDJ	BUREAU OF INTERNAL REVENUE - 2012-Q4 FATHI YUSUF EST TAX PAYMENT		360,000.00
8	10500	Cash - Bank Telchk 2918	4/10/13	1118	GENJ	1ST QTR 2013 ESST. TAX FATHI YUSUF		324,000.00
9	33000	Dividend Distributions	4/10/13	1118	GENJ	1ST QTR 2013 ESST. TAX FATI	324,000.00	
46887	14100	Due from (to) Plaza East	12/31/14	XJE31-11	GENJ	F YUSUF DIV DISTRIB'S BY EAST AND POST AGAINST WEST PSHIP		4,375,835.50
46888	10500	Cash - Bank Telchk 2918	10/7/14	1128	CDJ	FATHI YUSUF		1,000,000.00
46889	33000	Dividend Distributions	10/7/14	1128	CDJ	FATHI YUSUF - PLAZA DISTRIBI	1,000,000.00	

Y	69000	Revenue - Sales	11/20/14	5520	GENJ (UNION VINE CR)		19,347.15
55582	69000	Wages - Officer Salaries	11/26/14	DD114361	PRJ FATHI M. YUSUF	5,500.00	
55583	69000	Wages - Officer Salaries	12/3/14	DD114512	PRJ FATHI M. YUSUF	5,500.00	
55584	69000	Wages - Officer Salaries	12/10/14	DD114663	PRJ FATHI M. YUSUF	5,500.00	
55585	69000	Wages - Officer Salaries	12/17/14	DD114812	PRJ FATHI M. YUSUF	5,500.00	
55586	69000	Wages - Officer Salaries	12/24/14	DD114960	PRJ FATHI M. YUSUF	5,500.00	
55587	69000	Wages - Officer Salaries	12/30/14	DD115109	PRJ FATHI M. YUSUF	5,500.00	
55588	10500	Cash - Bank Telchk 6413	4/14/14	1167	CDJ FATHI YUSUF		1,375,835.50
55589	10500	Cash - Bank Telchk 6413	8/11/14	1178	CDJ FATHI YUSUF		1,000,000.00
55590	10500	Cash - Bank Telchk 6413	10/1/14	1180	CDJ FATHI YUSUF		1,000,000.00
55591	10500	Cash - Bank Telchk 6413	11/26/14	1184	CDJ FATHI YUSUF		1,000,000.00
55592	33000	Dividend Distributions	4/14/14	1167	CDJ FATHI YUSUF - DISTRIBUTION	1,375,835.50	
55593	33000	Dividend Distributions	10/1/14	1180	CDJ FATHI YUSUF - Dividend Distribu	1,000,000.00	
55594	33000	Dividend Distributions	11/26/14	1184	CDJ FATHI YUSUF - Dividend Distribu	1,000,000.00	
55595	33000	Dividend Distributions	8/11/14	1178	CDJ FATHI YUSUF - PLAZA DISTRIB	1,000,000.00	
55596	10300	Cash - Bank Op'a 8830	10/28/14	63587	CDJ FATIMA P. BROWN		150.00
34523	69200	Wages - Managers	04/29/15	2015-0429-03	PJ UNITED CORPORARION - FATHI YUSUF PAYRO		27,500.00
34524	67200	Taxes - Empr FICA & Mec	06/24/15	2015-0624-03	PJ UNITED CORPORARION - FATHI YUSUF PAYRO		186.00
34525	67200	Taxes - Empr FICA & Mec	06/24/15	2015-0624-03	PJ UNITED CORPORARION - FATHI YUSUF PAYRO		319.00
34526	69200	Wages - Managers	06/24/15	2015-0624-03	PJ UNITED CORPORARION - FATHI YUSUF PAYRO		22,000.00
34527	67200	Taxes - Empr FICA & Mec	03/25/15	2015-0325-01	PJ UNITED CORPORARION - FATHI YUSUF PAYRO		682.00
34528	67200	Taxes - Empr FICA & Mec	03/25/15	2015-0325-01	PJ UNITED CORPORARION - FATHI YUSUF PAYRO		159.50
34529	69200	Wages - Managers	03/25/15	2015-0325-01	PJ UNITED CORPORARION - FATHI YUSUF PAYRO		11,000.00
34530	67200	Taxes - Empr FICA & Mec	05/27/15	2015-0527-03	PJ UNITED CORPORARION - FATHI YUSUF PAYRO		1,364.00
34531	67200	Taxes - Empr FICA & Mec	05/27/15	2015-0527-03	PJ UNITED CORPORARION - FATHI YUSUF PAYRO		319.00
34532	69200	Wages - Managers	05/27/15	2015-0527-03	PJ UNITED CORPORARION - FATHI YUSUF PAYRO		22,000.00
10751	10600	Cash - Bank Claims 9091	03/06/15	100	CDJ FATHI YUSUF		5,000,000.00
10752	33000	Dividend Distributions	03/06/15	100	CDJ FATHI YUSUF - PSHIP DISTRIB FR CLAIMS RESERVE	5,000,000.00	
10753	10600	Cash - Bank Claims 9091	05/01/15	109	GENJ FATHI YUSUF 50% INT FOR STT		4,270,000.00
10754	33000	Dividend Distributions	05/01/15	109	GENJ FATHI YUSUF 50% INT FOR STT	4,270,000.00	
10755	10600	Cash - Bank Claims 9091	05/01/15	110	GENJ FATHI YUSUF 50% INTEREST MATCHING FUND		4,270,000.00
10756	33000	Dividend Distributions	05/01/15	110	GENJ FATHI YUSUF 50% INTEREST MATCHING FUND	4,270,000.00	
10757	10600	Cash - Bank Claims 9091	04/09/15	105	GENJ FATHI YUSUF DISTRIB RE 2014 INC TAX ESTIMATE		992,613.00
10758	33000	Dividend Distributions	04/09/15	105	GENJ FATHI YUSUF DISTRIB RE 2014 INC TAX ESTIMATE	992,613.00	

Yusuf further notes that all of the General Ledgers were provided to the Hamed's contemporaneously by John Gaffney over the course of this litigation. They are reproduced herein simply to insure that all are complete.

2. Request to Produce 4:

Following the Court's Order of May 11, 2022, the request to produce was revised to read:

"For all of the Partnership bank accounts, please provide all bank statements reflecting checks written to Fathi Yusuf, the United Corporation, as well as the cancelled checks, from January 2012 to the present."

Supplemental Response:

Yusuf provides the attached Excel spreadsheets reflecting the General Ledger for United partnership accounts as well as a sorted version reflecting any amounts payable to Fathi Yusuf or the United Corporation for the periods indicated.

As to the corresponding bank statements, as previously explained by John Gaffney, as to the St. Thomas store, the accounts were held with Scotia and there existed a strained relationship in the 2012 to 2014 period when the accounts were ultimately closed. Scotia did not provide bank

statements requiring the accounting department to perform reconciliations from online screen prints. Those online screen prints were maintained in the sales journal records at the St. Thomas location. Yusuf is continuing to search for any records from that time or determine if they still remain at the St. Thomas store. In which case, those records would be in the care, custody and control of the Hameds.

As to the Plaza East and Plaza West stores, Banco Popular stopped providing copies of enclosures with the bank statement as that relationship was also strained with the dual signatory requirements of Hameds and Yusufs during this litigation. We solicited the assistance of John Gaffney but were unable to receive a response prior to his departure for a pre-planned period off-island. We are continuing our efforts to secure any copies of bank statements not previously provide that are in our possession, custody or control.

DUDLEY NEWMAN FEUERZEIG, LLP

DATED: June 10, 2022

By: s/Charlotte K. Perrell
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CERTIFICATE OF SERVICE

It is hereby certified that on this 10th day of June, 2022, I caused the foregoing a true and exact copy of the foregoing **SUPPLEMENTAL RESPONSES TO HAMED'S DISCOVERY** to be served upon the following via Case Anywhere docketing system:

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