

**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

**PLAINTIFF HISHAM HAMED'S FIRST REQUEST
FOR THE PRODUCTION OF DOCUMENTS TO DEFENDANT FATHI YUSUF**

Plaintiff Hamed, by counsel, propounds the following first request for production of documents pursuant to Rule 26(d)(2) and 34 of the *Virgin Islands Rules of Civil Procedure* (V.I. R. CIV. P.) on the Defendant.

INSTRUCTIONS

In responding to these Requests for Production of Documents, the following instructions shall apply:

1. The obligations imposed by V.I. R. CIV. P. 26 and 34 are hereby incorporated, including, but not limited to, the duty to supplement imposed by V.I. R. CIV. P. 26(e).

2. If the Defendant lacks information to respond to a particular request for production, in whole or in part, Defendant shall state or identify: a) the currently

available information; b) any currently unavailable information; c) the efforts Defendant has taken, or will take, to obtain the currently unavailable information; and d) when the Defendant expects to obtain this information. Further, if the Defendant believes that any other individual or entity may have information that responds to a specific request, in whole or in part, the Defendant shall provide the individual or entity's: a) name, address and telephone number and b) a brief description of the information the Defendant believes the entity or individual possesses.

3. Whenever in these requests for production the Defendant is directed to produce or "identify" a "document," the Defendant shall, besides providing the document itself (if asked to produce), state or identify the following: a) the date the document was prepared; b) the name, address and telephone number of each author or signatory; c) the name, address and telephone number of each recipient (both addressee and recipients of copies); d) the document type (e.g., letter, memorandum, report, etc.); e) the document title; f) the document's control number or Bates number; and g) the name, address and telephone number of the document's custodian.

4. If the Defendant no longer possesses any document the Defendant requests, the Defendant shall state or identify: a) the date the document was prepared; b) the name, address and telephone number of each author or signatory; c) the name, address and telephone number of each recipient; d) the document type (e.g., letter, memorandum, report, etc.); e) what was done with the document; f) the name, address and telephone number of each individual responsible for, or otherwise involved with, transferring or disposing of the document; and g) reason(s) the document was disposed

of or transferred; and h) the name, address and telephone of the document's custodian, if known.

5. If the Defendant believes any information the Defendant requests is privileged and/or protected, in whole or in part, the Defendant shall provide the following: a) the document's title; b) the document type (e.g., memorandum, letter, report, email etc.), c) the name, address and telephone number of each author or signatory; d) the name, address and telephone number of each recipient; e) the date the document was prepared; f) the privilege(s) and/or protection(s) the Defendant is asserting; g) the factual bases for the Defendant asserting the privilege(s) and/or protection(s); and h) a summary of the information the Defendant is not producing to enable a court of competent jurisdiction to rule whether the information is privileged and for protected.

6. If the Defendant redacts anything from a document it produces in response to these requests for production, the Defendant shall state or provide the following: a) a summary of the deleted information; b) the reason(s) for deleting the information; and c) the name, address and telephone number of each person responsible for, or otherwise involved with, deleting the information.

7. The Defendant shall respond to each of these requests for production to the fullest extent possible, and in good faith, preserving any valid objections the Defendant may have. The Defendant may further ask the Defendant's attorney to clarify or limit any request for production Defendant believes is vague or unduly burdensome.

8. Whenever these requests for production use any word in the plural, the Defendant shall understand the word to include the singular as necessary to make the request for production inclusive rather than exclusive. Further, whenever these requests

for production use any word in the singular, the Defendant shall understand the word to include the plural as necessary to make the request for production inclusive rather than exclusive.

9. Whenever these requests for production use any word in the masculine, the Defendant shall understand the word to include the feminine as necessary to make the request for production inclusive rather than exclusive. Further, whenever these requests for production use any word in the feminine, the Defendant shall understand the word to include the masculine as necessary to make the request for production inclusive rather than exclusive.

10. Verbs written in the present tense shall also be taken to mean and include the past. Verbs written in the past tense shall also be taken to mean and include the present.

11. Whenever these requests for production use the word "and" or the word "or," the Defendant shall understand the word conjunctively or disjunctively as necessary to make the request for production inclusive rather than exclusive.

TERMS AND MEANINGS

The terms used in this Discovery have the following meaning:

As used herein, the term "**document(s)**" is used in its broadest sense to include, by way of illustration only and not by way of limitation, all originals and non-identical copies of any writing or any other tangible thing or data compilation in the custody, possession or control of the Defendant - whether printed, typed, reproduced by any process, written or produced by hand, including any graphic matter however produced or reproduced, or produced by any other mechanical means and all data, either

electronic, magnetic, chemical, mechanical, or other form of data storage capable of being transformed into written or oral matter, including, but not limited to, CD-ROMs, DVDs, computer disks, Hard-drive computer storage mediums - including e-mails, letters, affidavits, filings, engineering studies and for tests, reports, agreements, communications, correspondence, permits, accounting records, business records, contracts, letters of agreements, telegrams, mailgrams, memoranda, summaries and/or records of personnel or telephone conversations, diaries, calendars, forecasts, photographs, tape recordings, facsimiles, models, statistical statements, graphs, charts, plans, drawings, service and/or pump data, logs, minutes or records of meetings, minutes or records of conferences, reports and /or summaries of interviews, reports, conversations, summaries of investigations, opinions or reports of consultants, topographical or geological maps or surveys, appraisals, records, reports or summaries of negotiations, drafts of any document, revisions of drafts of any document, purchase orders, invoices, receipts, original or preliminary notes, financial statements, accounting work papers, promissory notes, film, microfilm, microfiche, punch cards, slides, pictures, videotapes, moving pictures, computer programs, laboratory results, magnetic tapes or any other matter which is capable of being read, heard or seen with or without mechanical or electronic assistance.

"Communication" means any correspondence, contact, discussion, exchange, contract, or agreement between any two or more persons. Without limiting the foregoing, "communication" includes all documents, as defined above, telephone conversations, internet communications, e-mail, facsimile transmissions, voice mail, face-to-face conversations, meetings, and conferences.

"**Civil No. 65**" refers to the *Sixteen Plus Corp. v Manal Yousef*, SX-15-CV-65 case before the Superior Court of the U.S. Virgin Islands.

"**St. Martin**" will refer to either the Netherland Antilles side or the French side of the island.

The term "**Family**" (as in "Fathi Yusuf's Family") shall mean immediate family members (grandparents, spouses, parents and children and their spouses) and any known, aunts, uncles, cousins, nieces and nephews regardless on the number of times removed.

"**Note**" and/or "**Mortgage**" refers to the note and mortgage between Manal Yousef and Sixteen plus as to the property known as Diamond Keturah on St. Croix, USVI.

REQUESTS

Document Request No. 1:

Please provide all documents evidencing movement of Plaza Extra funds **to, from or in** St. Martin. This shall include, but not be limited, to bank statements, investment account statements, deposit slips, cancelled checks, wire transfers, cashier's checks and traveler's checks. This request covers the time period from 1996 through 2001 and includes any documents related to Fathi Yusuf, Waleed Hamed, Isam Yousuf, Manal Yousef and Jamil Yousef.

Response:

Document Request No. 2:

Please provide all documents evidencing movement of Plaza Extra funds **to or from** St. Martin and Jordan. This shall include, but not be limited, to bank statements, investment account statements, deposit slips, cancelled checks, wire transfers, cashier's checks, and traveler's checks. This request covers the time period from 1996 through 2001 and includes any documents related to Fathi Yusuf, Waleed Hamed, Isam Yousuf, Manal Yousef and Jamil Yousef.

Response:

Document Request No. 3: Please review the draft report of the US DOJ/FBI with regard to the accounting of the money laundering activities of, among others, yourself and Sixteen Plus--particularly the two pages Bates stamped YUSF113690-YUSF113691. After doing so, provide all documents evidencing when and where Isam Yousuf **acquired** the two \$2 million amounts that he transferred to the Sixteen Plus account at the Bank of Nova Scotia on or about February 19, 1997 and September 4, 1997, **as well as any documents memorializing conversations, instructions, or communications and correspondence**, between any members of the Yusuf or Hamed families and Isam Yousuf about those funds or transfers.

Response:

Document Request No. 4: Please provide all documents evidencing the sources of funds Manal Yousef had or had a right to prior to September 4, 1997 including, but not limited to, jobs she had held, investment income, inheritances and gifts. Include, but do not limit this, to documents showing the locations and names of any banks or other institutions in which these funds were located.

Response:

Document Request No. 5: Please provide all documents showing travel Manal Yousef took related to the Note or Mortgage for the Diamond Keturah property on St. Croix. Please include all documents responsive to this request that were collected by the FBI raid(s) in the early 2000s of the Plaza Extra stores, the Yusuf and Hamed family homes and any other areas raided, as well as any responsive documents that were not obtained by the FBI.

Response:

Document Request No. 6: Please provide all documents that show Manal Yousef's agreement to provide and then providing the more than four million dollars of funds to Sixteen Plus. These documents shall include, but not be limited, to the request for the funds, Manal Yousef's agreeing to lend the funds, and providing the funds. Please include all documents responsive to this request that were collected by the FBI raid(s) in the early 2000s of the Plaza Extra stores, the Yusuf and Hamed family homes and any other areas raided, as well as any responsive documents that were not obtained by the FBI.

Response:

Document Request No. 7: Please provide all documents detailing how the Note and Mortgage between Manal Yousef and Sixteen Plus was arranged for, negotiated, drafted, executed, delivered, and recorded. Include, but do not limit this, to documents reflecting the dates when actions were taken, the amounts discussed or transacted, the documents drafted or executed, the communications, any lawyers involved, all persons involved and all banks/entities where funds originated, were transferred or arrived.

Response:

Document Request No. 8:

Please provide documents reflecting all payments received by Manal Yousef relating to the Note or Mortgage from September 4, 1997 *to the present*. These documents shall include, but not be limited, to payments with members of Fathi Yusuf's family, Waleed Hamed's family, Sixteen Plus, Jamil Yousef, Isam Yousuf, any lawyer, any bank, any accountant or other person or entity.

Response:

Document Request No. 9:

Please provide documents reflecting communications to, as well as from Manal Yousef about the Note or Mortgage from September 4, 1997 *to the present*. These documents shall include, but not be limited, to such communications with members of Fathi Yusuf's family, Waleed Hamed's family, Sixteen Plus, Jamil Yousef, Isam Yousuf, any lawyer, any bank, any accountant or other person or entity.

Response:

Document Request No. 10:

Please provide documents showing how Manal Yousef arranged for and filed the court documents in *Sixteen Plus Corp. v Manal Yousef*, SX-16-CV-65 (“Civil No. 65”) legal action regarding the Note and Mortgage. Also, provide all documents showing payments, receipt of funds or billing records for that representation. Include, but do not limit this, to all documents pertaining to payments, receipt of funds, or billing records involving Kye Walker, Esq., James Hymes or the law firm of Dudley, Topper – or their staffs.

Response:

Document Request No. 11:

Provide documents reflecting communications you or Manal Yousef have had regarding either this legal action or her legal action in Civil No. 65 – *after* the dates of filing.

Response:

Document Request No. 12:

Please provide documents detailing all amounts due to you or Manal Yousef as a result of this action or her other action (Civil No. 65), including the calculations as to how you arrived at those amounts. Include, but do not limit this, to calculations to principal due under the Note, interest due under the Note and any other amounts added to those.

Response:

Document Request No. 13:

Provide all documents detailing communications you have had with any members of Manal Yousef's family or her counsel from September 4, 1997 *to the present* which shall include but not be limited to all drafts, executed and filed powers of attorney between Manal Yousef and yourself concerning the Note and Mortgage.

Response:

Document Request No. 14:

Please provide all billing records, payments and/or receipt of funds for representation regarding the drafting, filing and executing of the powers of attorney concerning the Note and Mortgage between Manal Yousef and Fathi Yusuf. Include, but do not limit this to all work done by Kye Walker, James Hymes or the law firm of Dudley, Topper – or their staffs.

Response:

Document Request No. 15:

Please provide all documents detailing how Manal Yousef arranged for, drafted, executed or transmitted any and all other documents to any person or entity regarding the Note and Mortgage. This document request shall include, but not be limited, to transfers of any interest, releases of any interest, sale of any interest, and offers or discussion about doing the same. Include, but do not limit this to, all communications with Kye Walker, her present counsel James Hymes or the law firm of Dudley, Topper – or their staffs.

Response:

Document Request No. 16:

Please provide documents detailing any communications you have had with any members of your family or any third person or entity, including the VI government, from September 4, 1997 to present regarding proposed or actual transfers of any interest, releases of any interest, sale of any interest, and offers or discussions about doing the same with respect to the property known as Diamond Keturah.

Response:

Document Request No. 17:

Please provide all documents showing the three interest payments allegedly made to Manal Yousef during the 1998-2000 time period for the land known as Diamond Keturah, as was stated by you in your court filings.

Response:

Document Request No. 18:

Please provide all documents showing that Plaza Extra funds or other funds were used to purchase the property known as Diamond Keturah.

Response:

Document Request No. 19

Please provide all documents showing any offers to purchase the land known as Diamond Keturah from 1998 to the present.

Response:

Document Request No. 20:

Please provide all documents evidencing the consideration Manal Yousef provided in exchange for the Promissory Note regarding the property known as Diamond Keturah as stated in the Counterclaim paragraph 4 in the Civil 65 (*Sixteen Plus v. Manal Yousef*) action, to wit: "On September 15, 1997, the plaintiff/counter-defendant, **for good and valuable consideration**, executed a Promissory Note secured by a First Priority Mortgage. . . ."

Response:

Dated: August 10, 2022



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CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page or word limitation set forth in Rule 6-1(e) and that on this 10th day of August, 2022, I served a copy of the foregoing by mail and email, as agreed by the parties, on:

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