

**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 SECOND REQUEST  
FOR INTERROGATORIES TO DEFENDANT FATHI YUSUF**

Plaintiff Hisham Hamed, by counsel, propounds the following second request for interrogatories pursuant to Rule 33 of the *Virgin Islands Rules of Civil Procedure* (V.I. R. CIV. P.) on Defendant Fathi Yusuf.

**INSTRUCTIONS**

If any of the following Interrogatories cannot be answered in full, please answer to the extent possible, specify the reason for your inability to answer the remainder and state whatever information or knowledge you have concerning the unanswered portion. Where your investigation is incomplete, give all information known as of the date of signing your answer. Where exact data is unavailable, supply estimated data, indicate that you have done so, and explain the basis on which the estimate was made.

If you decline to answer any interrogatory, or portion of any interrogatory, on a claim of privilege or other basis for withholding an answer, such as the work product doctrine, state each privilege or other basis for withholding claimed and describe in detail all foundational facts upon which you base such claim of privilege or basis for withholding.

It is requested that all copies of all documents identified in response be attached to the answers to the responses to these Interrogatories as an exhibit. Please take notice that these Interrogatories are deemed to be continuing up to and including the first day of trial of this action. If at any time, you or any person acting on your behalf obtains additional information called for by these Interrogatories between the time of your response and the time set for trial, please serve supplemental sworn answers setting forth such information.

The words "and," as well as "or," shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the specifications all responses which might otherwise be construed to be outside its scope.

Terms in the plural include the singular and terms in the singular include the plural; the use of one gender shall include all others as appropriate in the context.

These interrogatories are continuing in nature so as to require **you, the Defendant**, to file supplemental answers if any additional or different information responsive to these interrogatories is discovered or obtained subsequent to the filing of answers to these interrogatories.

### **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.

#### **DEFINITIONS**

"**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.

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.

## INTERROGATORIES

### Interrogatory 17:

Manal Yousef has stated in her responses to interrogatories that she received three payments on the Note at issue here.

#### Response:

In the years 1998, 1999, and 2000, payments were made to me by the Sixteen Plus Corporation in the amount of \$360,000.00 in each of those years. In 1998, the payment was made by Waleed Hamed in cash. I do not know the form of the payment of \$360,000.00 in 1999, or in 2000. I have not made a calculation of the accrued interest due through July 1, 2017, or the daily accrual of interest after July 1, 2017. These are simple mathematical calculations that an economist, bookkeeper, or CPA can make based on the terms and conditions of the note given to me by the Sixteen Plus Corporation. At such time as these calculations are made, this response will be supplemented.

For these three (3) and any other payments by Sixteen Plus to or for the benefit of Manal with regard to the Note or mortgage at issue here, describe in detail:

- A. The amount of any payment, the means by which it was made, and the account from which it was drawn.
- B. The amount of USVI, US, FIRPTA or other taxes withheld by Sixteen Plus--how that was done and by whom.
- C. The amount of USVI, US FIRPTA or other taxes paid--how that was done, by whom and the amount.

**RESPONSE:**

**Interrogatory 18:**

You have stated that Sixteen Plus corporation received funds from a foreign national, from a foreign account for the purpose of purchasing real property in the USVI, and as a result, gave that foreign national an interest in the real property--a mortgage. For each of the following, please describe in detail how, when and by whom the action was done--or if it was not done, state, "Not done."

- A. Any filings or notifications informing USVI taxing authorities of a foreign investment in USVI real property.
- B. Any corporate filings setting forth that the funds received were a mortgage and/or note due from the company, and if such occurred, who it was to.
- C. Any tax filings setting forth that the funds received were a mortgage and/or note due from the company, and if such occurred, who it was to.

**Response:**

**Interrogatory 19:**

Attached to the Amended Complaint as EXHIBIT 8, is a corporate tax filing for the 2011 tax year, by Sixteen Plus.

- A. Is the signature thereon yours?
- B. Did you sign that document "Under penalty of perjury"
- C. You signed as Secretary/Treasurer--did you hold those positions at that time?
- D. Did you date the document 9-5-2012 ?
- E. On 'page 4' of that document is it represented that the amount of \$4,710,626 was a "Loans from Shareholders" amount.
- F. From which shareholders was that amount received by Sixteen Plus?
- G. How, when and by what means did Sixteen Plus receive an amount in excess of \$4 million from shareholders?
- H. Also on page 4, at line 8, there is an entry for "Mortgages" that lists no mortgages outstanding or due at that time. Explain in detail why the corporate tax filing did not list a mortgage due to Manal?

**RESPONSE:**

**Interrogatory 20:**

Attached to the Amended Complaint as EXHIBIT 9, is a tax filing by Sixteen Plus.

- A. Is the signature thereon yours?
- B. Did you sign that document "Under penalty of perjury"
- C. You signed as Secretary/Treasurer--did you hold those positions at that time?
- D. Did you date the document 10-12-00 and is it stamped as received by the VI Bureau of Internal Revenue in October of 2000?
- E. On page 3 (lower right bates number 449-3104) of that document is it are the amounts of \$4,522,261 and \$4,708,261: set forth to the right of "Loans from Shareholders".
- F. From which shareholders was an amount in excess of \$4 million received by Sixteen Plus?
  - . How, when and by what means did Sixteen Plus receive in excess of \$4 million from shareholders?
- H. Also on page 3, on line 8, there is an entry for "Mortgages" that lists no mortgages outstanding or due at that time. Explain in detail why the corporate tax filing did not list a mortgage due to Manal?

**RESPONSE:**



**Interrogatory 21:**

Attached to the Amended Complaint as EXHIBIT 10, is a corporate filing by Sixteen Plus.

- A. Is one of the two signatures thereon yours?
- B. Was the date of the filing set forth on the first page as June 19, 2012 and is it stamped as received on September 21, 2012 by the Lt. Governor's Office?
- C. You signed as Treasurer--did you hold that position at that time?
- E. On the second (lower left page bates number HAMD588630) of that document is it represented that the amount of \$4,110,626 was related to "Shareholder loans".
- F. From which shareholders was that amount received by Sixteen Plus?
- G. How, when and by what means did Sixteen Plus receive in excess of \$4 million in Shareholder loans?
- H. Is there any liability for any real estate Notes or Mortgages listed, if not, why?

**RESPONSE:**

**Interrogatory 22:**

Attached to the Amended Complaint as EXHIBIT 11 is a document which purports to be a Corporate filing, but lists as President Maher Yusuf, and lists Fawzia as the VP.

- A. Describe by whom, when, how and why this document was created.
- B. Was Maher ever the President of Sixteen Plus, if so, when did that happen and how?
- C. Was Fawzia ever the VP of Sixteen Plus, if so when did that happen and how?
- D. That document shows over \$4 million as "loans from Related Party" rather than "Loans from Shareholders" -- explain in detail who made this change, when and why?
- E. On the page bates stamped HAMD588668, only one signature appears, whose is that?

**VERIFICATION**

I hereby certify under penalty of perjury that the facts contained in each of the foregoing responses to interrogatories are true and correct to the best of my knowledge, information and belief.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Fathi Yusuf

TERRITORY OF THE UNITED STATES VIRGIN ISLANDS )

) ss.

DISTRICT OF \_\_\_\_\_ )

On this, the \_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned officer, personally appeared Fathi Yusuf, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document and acknowledged that he/she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

**Dated:** August 22, 2022



**Carl J. Hartmann III, Esq.**  
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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 8/22/2022, I served a copy of the foregoing by hand delivery, mail and email, as agreed by the parties, on:

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