

**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

**DEFENDANT FATHI YUSUF'S OBJECTIONS AND RESPONSES TO
PLAINTIFF'S REQUESTS
FOR THE PRODUCTION OF DOCUMENTS TO DEFENDANT FATHI YUSUF**

COMES NOW, Defendant Fathi Yusuf ("Yusuf") and files this his Objections and Responses to Plaintiff's Requests for the Production of Documents as follows:

1. 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.

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:

Yusuf objects to this interrogatory on the grounds that this discovery request is not proportional to the needs of the case considering that the burden and expense of the requested discovery outweighs its likely benefit. Moreover, no Plaza Extra Funds were related to the loan which is the subject of this suit. Further, Plaintiff has access to any and all records regarding any movement of funds from Plaza Extra to St. Martin as Waleed Hamed was involved in same and he has access to the records.

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:

Yusuf objects to this interrogatory on the grounds that this discovery request is not proportional to the needs of the case considering that the burden and expense of the requested discovery outweighs its likely benefit. Moreover, no Plaza Extra Funds were related to the loan which is the subject of this suit. Further, Plaintiff has access to any and all records regarding any movement of funds from Plaza Extra to St. Martin as Waleed Hamed was involved in same and he has access to the records.

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:

Yusuf had no documents relating to Isam Yousef's acquisition of his sister Manal's funds that were used to make the loan to Sixteen Plus.

The only documents of which Yusuf is aware relating to the transfer of the funds to Sixteen Plus are identified as Bates 344-FY-1232-1237, which were produced in Fathi Yusuf's First Supplemental Rule 26 Disclosures.

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:

Yusuf has no documents evidencing the source of Manal's funds. Yusuf incorporates by reference his response to Interrogatory No. 4 as to his understanding and discussions with her father (Yusuf's brother, Mohammed Yousef) as to monies he had provided for her and gave to Isam.

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:

Yusuf is unaware of any such documents. To the extent that such documents exist in the FBI records, Plaintiff has equal access to same.

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:

The documents evidencing Manal's agreement to provide the loan are:

Bates No.s 344-FY-1232-1237, FY-650Case-000014-000031.

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:

See Bates No. FY-650Case-000014-000033.

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:

Yusuf shows that three payments were made of interest. Yusuf is researching documents to evidence these payments and will supplement as to same. Otherwise, Yusuf shows Bates No. FY650CASE-000034, which is the demand letter from Manal's counsel, which sets forth a calculation for an amount due as responsive to this request. Yusuf is unsure if this includes or excludes the three interest payments that were made.

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 Yusufs family, Waleed Hamed's family, Sixteen Plus, Jamil Yousef, Isam Yousuf, any lawyer, any bank, any accountant or other person or entity.

Response:

See Bates No. FY650CASE-000034

Document Request No. 10:

Please provide documents showing how Manal Yousef arranged for and filed the court documents in *Sixteen Plus Corp. v Mana/ 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:

Yusuf has no documents responsive to this request.

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:

None.

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:

No documents reflecting any amounts due to Yusuf.

**Documents reflecting amounts due to Manal Yousef are :
Bates No. FY650CASE-000014-31, 34. Yusuf knows that three payments of interest were made and is researching that issue to secure documentation of those payments.**

Document Request No. 13:

Provide all documents detailing communications you have had with any members of Manal Yousefs 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:

None related to any drafting of a power of attorney.

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:

None.

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:

None.

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:

Yusuf and Waleed have discussed the possibility of selling the property. Yusuf is unaware of any documents evidencing communications as to same. The only documents of which Yusuf is aware responsive to this Request are Bates No. 344-FY-0633-0645.

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:

Yusuf is aware of the three interest payments and is researching the issue to secure the documentation for same and will supplement his 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:

Yusuf recalls that Plaza Extra funds were used for the initial \$500,000 down payment on the property. It is Yusuf's recollection, that after the loan was secured, that United was reimbursed for the \$500,000.00. Yusuf is endeavoring to find those records and will supplement his response as to same.

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:

See Bates No. 344-FY-0633-0645.

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. Mana/ 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:

See Bates No. 344-FY-1232-1237.

DUDLEY NEWMAN FEUERZEIG LLP

DATED: September 9, 2022

By: /s/ Charlotte K. Perrell
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