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ADMITTED: USVI & DC

September 11, 2022

**Via Email**

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

**RE:** Rule 37 – Conference Requested in 370 re H-151

Counsel:

I am requesting this conference rather than immediately discussing contempt or filing a MPSJ. Please provide dates for a Rule 37 conference as soon as possible with regard to Mr. Yusuf's failure to comply with the Special Master's Order of May 11, 2022 as to Claim H-151 (Checks to Yusuf)

The Court ordered the following [numbering supplied for clarity]:

1. **ORDERED** that Hamed's motion to compel as to Interrogatory 38 is **GRANTED** in the context of Hamed Claim No. H-151. Interrogatory 38 shall be revised as follows:

"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 through March 9, 2015.

It is further:

**ORDERED** that, **within thirty (30) days from the date of entry of this Order**, Fathi Yusuf and United shall file a supplemental response to Interrogatory 38 and respond to Interrogatory 38 "fully in writing under oath" in compliance with Rule 33. It is further:

2. **ORDERED** that Hamed's motion to compel as to RFPD 4 is **GRANTED** in the context of Hamed Claim No. H-151. RFPD 4 shall be revised as follows:

"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."

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** documents on behalf of the Partnership in response to RFPD 4. For the specific bank accounts referenced in Hamed's motion, Yusuf will not be required to produce bank statements and cancelled checks that Hamed already has in his possession.

**And** it is further:

3. **ORDERED** that Fathi Yusuf and/or United **MUST RESPOND** to Interrogatory 38 and RFPD 4 in compliance with the Virgin Islands Rules of Civil Procedure; Fathi Yusuf and/or United **CANNOT** answer by reference.

As you know, Hamed granted the requested extension until August 1, 2022 for a response. That time passed 6 weeks ago.

Please supply me with the earliest possible date for such a conference.



Carl J. Hartmann III