

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

Plaintiff Hisham Hamed, by counsel, propounds the following fourth 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 24:

In your response to the first interrogatories provided on September 9, 2022, in response to interrogatories 1-3 you responded by partially answering--then asserting the 5th

Amendment. With regard to that response:

- A. Describe in detail all facts which support your assertion of the 5th Amendment with specificity as to dates, persons, places times, acts and documents.
- B. Describe in detail any and all pending criminal actions, or the potential criminal actions against you.
- C. Describe in detail all facts which tend to prove or disprove the extent to which the issues in the actual or potential criminal and civil cases overlap;
- D. Describe in detail all facts which tend to prove or disprove the present status of the actual or potential criminal case, including whether you have been warned, targeted, made a POI, indicted, been given immunity or are otherwise immunized from prosecution or criminal jeopardy
- E. Describe in detail all facts which tend to prove or disprove your interest in proceeding expeditiously weighed against the prejudice to you or other party caused by a delay;
- F. Describe the private interests of and burden on the parties;
- G. Describe the facts which prove or disprove the interests of the court; and
- H. the public interest
- I. Do you fully understand that partial disclosures in tandem with this assertion may void some or all of the alleged protections of the 5th Amendment? If the answer is other than a simple "yes", what is your understanding?
- J. Do you fully understand that this assertion may create a negative inference? If the answer is other than a simple "yes", what is your understanding?

RESPONSE:

Interrogatory 25:

In response to Interrogatory number 4 regarding the original loan of \$4.5 million you stated:

I advised Bank of Nova Scotia that we would purchase the property and would close upon the end of the right of redemption period. **United made a \$500,000 deposit** to hold the property. Upon my return to the Virgin Islands, the first installment on the loan was received. We created Sixteen Plus, LLC to purchase the Diamond Katurah property.

In response to Document request #8 as to three interest payments of \$360,000 you stated

Yusuf shows that **three payments were made of interest**. Yusuf is researching documents to evidence these payments and will supplement as to same.

Describe in detail United's and Fathi Yusuf's involvement in these transactions, include but do not limit this to:

- A. On or about what dates did United make the \$500,000 payment? The three interest payments?
- B. From what United or Sixteen Plus account was each of the 4 payments made?
- C. Who authorized and arranged each payment? In what capacity did they act?
- D. What was the source of the funds United used for the \$500,000 payment -- was it from Plaza Extra income, United tenant income or otherwise?
- E. Were there writings or documents associated with these payments and repayments and for each identify the creator, the content and the purpose -- whether or not you now have the related documents?
- F. When and how was repayment to United of the \$500,000 made--by whom, from what account and into what account. Include the names of all persons with knowledge of this and all documents?

Response:

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: September 12, 2022



Carl J. Hartmann III, Esq.
Co-Counsel for Plaintiffs
5000 Estate Coakley Bay, L-6
Christiansted, VI 00820
Email: carl@carlhartmann.com

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 9/12/2022, I served a copy of the foregoing by hand delivery, mail and email, as agreed by the parties, on:

EMAIL

Stefan Herpel, Esq.
Charlotte Perrell, Esq.
Law House, 10000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00804-0756
Tel: (340) 774-4422
ghodges@dtflaw.com
sherpel@dtflaw.com
lkomives@dtflaw.com

EMAIL

Kevin A. Rames, Esq.
2111 Company Street, Suite 3
Christiansted, VI 00820
Tel: (340) 773-7284
Fax (340) 773-7282
kevin.rames@rameslaw.com



EMAIL AND HAND DELIVER

James L. Hymes, III, Esq.
V.I. Bar No. 264
1131 King Street, Suite 309
St. Croix, VI 00820
Tel: (340) 776-3470
Fax: (340) 775-3300
jim@hymeslawvi.com