

**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 REQUESTS  
FOR INTERROGATORIES TO DEFENDANT ISAM YOUSEF**

Plaintiff Hisham Hamed, by counsel, propounds the following 2nd request for production of documents pursuant to Rule 33 of the *Virgin Islands Rules of Civil Procedure* (V.I. R. CIV. P.) on the Defendant.

**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-16-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 21:

Please refer to two Exhibits from the 1<sup>st</sup> interrogatories to you – Exhibits 5 and 6. The first page of Exhibit 5 states on its face that it is a Transfer Order from Banque Française Commerciale.

- A. On its face, the document states that the Issuer is Isam Yousuf and the account number being drawn from is Banque Francaise Commerciale Account No. 4060663541. Describe the actual holder of this account—is it you personally or is it Island Appliance? Specify the name on the title of the account.
- B. The Transfer order states on its face that the date of the Transfer is 2/13/97, state whether you personally made the request on or about that date, and how the request was made (i.e., in person, by phone, etc.).
- C. Describe who filled out the Transfer form and how? Whose handwriting is the phrase “Bank of Nova Scotia” in? If it was your handwriting, where and under what circumstances was it filled out and proffered to the bank?

- D. From whom did this \$2 million come, when was it deposited (in whole or in parts) and do you have the deposit slips of bank statements for this account leading up to this transfer that show the source of these funds?
- E. What was the average monthly balance in this account from 1995 through 2001?
- F. Describe in detail whether this was a normal operating account for Island Appliance, or whether it was segregated from the normal operations for the benefit of Manal or otherwise.
- G. Describe in detail any writings, documents or other evidence that shows or infers that the \$2 million being transferred was related in any way to Manal.
- H. Describe taxation documents that show the local tax payments on the gift or income that was the source of this \$2 million?

**Response:**

**Interrogatory 22:**

Attached are two Exhibits from the 1<sup>st</sup> interrogatories to you – Exhibits 5 and 6. The first page of Exhibit 6 states on its face that it is a “Telex Transfer” from Banque Française Commerciale.

- A. On its face, the document states that the transferor is “Island Appliance” and that it is “c/o Isam Yousuf” – please describe in detail what account this came from, whether it was yours personally or Island Appliance’s.
- B. The document states on its face that the date of the Transfer is 9/4/97, state what you did on or around that date to cause these funds to transfer.
- C. Who filled out the Transfer form for this on St. Maarten? If it was you, where and under what circumstances was it filled out and proffered to the bank?
- D. From whom did this \$2 million come, when was it deposited into your account (in whole or in parts) and do you have the deposit slips of bank statements for this account leading up to this transfer that show the source of these funds?
- E. What was the average monthly balance in this account from 1995 through 2001?
- F. Describe in detail whether this was a normal operating account for Island Appliance, or whether it was segregated from the normal operations.
- G. Describe in detail any writings, documents or other evidence that shows or infers that the \$2 million being transferred was related in any way to Manal.
- H. Describe taxation documents that show the local tax payments on the gift or income that was the source of this \$2 million?

**Response:**

**Interrogatory 23:**

Describe in detail when and how any additional funds were transferred from Manal, you or Island Appliances to or for Sixteen Plus. This will include but not be limited to:

- A. Was and how was the additional \$500,000 set forth in the Note at issue here (\$4,500,000) ever sent to Sixteen Plus or any other entity associated with Plaza Extra, United, the Yusuf or Hameds?
- B. If additional funds were transmitted describe the accounts, method and persons involved, as well as any writings, documents or other evidence thereof.

**Response:**

**Interrogatory 24:**

You allegedly received three payments of interest on behalf of Manal (in 1998, 1999, and 2000) as interest on the Note at issue here.

- A. Describe each such payment in detail, include but do not limit the response to who was the payor, how it was transmitted, who received it, in what form was it, where was it deposited.
- B. Describe its transfer to Manal, or if it was not transferred to here, describe where it is now.
- C. Describe all taxes paid to the governments of St. Maarten or on the West bank with regard to these funds; include but not limit this to all filings, all amounts declared, all taxes paid, and the writings, documents or evidence of such taxes.
- D. Describe all taxes paid to the governments of the USVI or the US with regard to these funds; include but not limit this to all filings, all amounts declared, all taxes paid, and the writings, documents or evidence of such taxes.
- E. Was USVI source income tax withheld or paid? If not, why not?
- F. Was US FIRPTA tax paid, if not why not?
- G. Do you or Manal intend to pay such taxes in the future on interest received? If not, why not?

**Response:**





**Dated:** September 12, 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 12<sup>th</sup> day of September, 2017, I served a copy of the foregoing by email, as agreed by the parties, on:

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