

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

**HISHAM HAMED, individually,
and derivatively for
SIXTEEN PLUS CORPORATION,**

Plaintiffs/Counterclaim Defendant,

v.

MANAL MOHAMMAD YOUSEF,

Defendant/Counterclaim Plaintiff.

CIVIL NO. SX-16-CV-00065

**ACTION FOR
DECLARATORY JUDGMENT
CICO and FIDUCIARY DUTY**

JURY TRIAL DEMANDED

**MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD YOUSEF, *Plaintiff***

v.

SIXTEEN PLUS CORPORATION,

Defendant.

CIVIL NO. SX-17-CV- 00342

**ACTION FOR DEBT AND
FORECLOSURE**

**COUNTERCLAIM FOR
DAMAGES**

JURY TRIAL DEMANDED

SIXTEEN PLUS CORPORATION,

Counterclaim Plaintiff,

v.

**MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD,**

Counterclaim Defendants, and

FATHI YUSUF,

Third Party Defendant.

THIRD-PARTY DEFENDANT FATHI YUSUF OBJECTIONS AND RESPONSES TO FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS

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

Prior Factual Allegation by Hamed Related to Requests 1-4:

Hamed has alleged that:

While the criminal case continued over the next years, **various third parties attempted to buy the Land from Sixteen Plus at substantially higher prices than was paid for the property, with the highest offer exceeding \$22 million.**

Recognizing this substantial increase of 500% in value in less than 10 years, Fathi Yusuf began to try to figure out how to pocket these funds for himself. In this regard, the Federal Government agreed that it would remove its lien and the Land could be sold - but only if the proceeds of any such sale were escrowed pending the outcome of the criminal case and not paid to Manal Yousef.

Contrary to the best interests of Sixteen Plus and its shareholders, Fathi Yusuf began to formulate a plan to embezzle from and defraud Sixteen Plus of the value of the Land, and thus rejected offers for the Land unless the sham Manal Yousef note and mortgage were paid -- so he could then get sole control of these funds.

The Federal Government refused to agree to the request that the Manal Yousef mortgage be paid first, asserting its own doubts about the validity of the sham mortgage.

Fathi Yusuf could also, pursuant to the POA she had granted him, have had Manal Yousef agree to an escrow of the sales proceeds while preserving her alleged mortgage rights, which would have allowed the sale to take place and fully protect the debt allegedly owed to her

Indeed, once the funds were escrowed, Fathi Yusuf would lose his opportunity to keep the funds for himself pursuant to his Plan.

Request #1

After reviewing the factual assertion above, provide all correspondence or other communications you have had with third parties inquiring about some or all of the property subject to the note and mortgage herein.

Response:

Yusuf produces herewith all documents he has produced in the 650 case: Bates No.s FY650CASE- 000001 – 000034 including documents produced in the earlier 344 case: 344-FY-0004 – 0981, 0982 – 1027, 1148 – 1167 , and 1232 – 1237 as responsive to this request.

With respect to communications regarding inquiries to purchase the property, see 344-FY-0523 and 344-FY-0633 – 0645.

Request #2:

After reviewing the factual assertion above, provide all correspondence or other communications you have had with third parties seeking to buy, offering to buy or expressing interest in buying the property subject to the note and mortgage herein.

Response: See 344-FY-0523 and 344-FY-0633 – 0645.

Request #3:

After reviewing the factual assertion above, provide all correspondence or other communications you have had with the federal government, the Territorial government, the Department of Justice, the U.S. Attorney or the USVI Attorney General or their office or employees discussing any inquiries or offers to buy the property subject to the note and mortgage herein.

Response: None.

Request #4:

After reviewing the factual assertion above, provide all correspondence or other communications you have had with the federal government, the Territorial government, the Department of Justice, the U.S. Attorney or the USVI Attorney General or their office or employees discussing the lifting, altering, or modification of the federal lien that was placed on the subject property.

Response: None.

Request #5:

Provide all correspondence or other communications you have had with Jamil, Isam or Manal regarding the note and mortgage herein. This shall include but not be limited to any discussion of inquires or offers to purchase the subject land or any part thereof.

Response: None, other than the Note and Mortgage themselves.

Request #6:

Provide all correspondence or other communications you have had with any bank or bank officials in the USVI, St. Martin, St. Marteen, Jordan, the West Bank or elsewhere regarding:

1. the funds used for the note and mortgage herein.
2. the funds used by Sixteen Plus for the purchase of the property subject to the note and mortgage herein.

Response: Yusuf shows that he has no documents responsive as to Paragraph 1.

As to Paragraph 2, Yusuf shows that bank documents for Sixteen Plus already produced in this case are responsive to this request. Specifically, 344-FY-1232 – 1237.

Request #7:

Provide all writings or communication related to discussions, negotiations or communications with any person or entity with regard to the funds used to purchase the subject property here.

Response: See FY650CASE-000013 – 000031 and 344-FY-1232 – 1237,

Request #8:

Provide all writings or communication related to the assertion that:

The Board of Directors of Sixteen Plus currently consists of two directors, Fathi Yusuf, a named defendant, and Waleed Hamed. An original third director voluntarily withdrew from the Board before the acts complained of here when he sold all of his stock in the corporation to the Hameds and Yusufs.

Response: Yusuf produces herewith all documents he has produced in the 650 case:

Bates No.s FY650CASE- 000001 – 000034 including documents produced in the earlier 344 case: 344-FY-0004 – 0981, 0982 – 1027, 1148 – 1167 , and 1232 – 1237 as responsive to this request. Specifically, see 344-FY- 0982 – 1027.

Request #9:

Provide all writings or communication related to the assertion that:

all of the financials of the 16+ corporation, its USVI tax filings and its annual USVI corporate filings reflect that the funds came from Hamed and Yusuf as the shareholders - and do not reflect the note and mortgage as a valid corporate debt.

This shall include but not be limited to:

- A. Any tax documents submitted to the USVI government on behalf of the corporation that reflect mortgages, debts, realty owned or amounts owed to shareholders.
- B. Any corporate status documents submitted to the USVI government on behalf of the corporation that reflect mortgages, debts, realty owned or amounts owed to shareholders.
- C. Any tax, corporate documents or financials submitted to any bank or lender on behalf of the corporation that reflect mortgages, debts, realty owned or amounts owed to shareholders.

Response: Yusuf objects to the accuracy of the assertion, but nonetheless produces herewith all documents he has produced in the 650 case: Bates No.s FY650CASE-000001 – 000034 including documents produced in the earlier 344 case: 344-FY-0004 – 0981, 0982 – 1027, 1148 – 1167 , and 1232 – 1237 as responsive to this request.

Request #10:

Provide all writings or communication related to the assertion that:

The subject note and mortgage exceeded the amount received from St. Martin by \$500,000. The additional \$500,000 came from partnership funds that Fathi Yusuf caused the supermarkets to deposit directly as currency into the corporation's bank account. Thus, \$500,000 of the \$4.5 million used to buy the land was directly provided by the Partnership as cash deposits.

This shall include but not be limited to the source of that \$500,000, or the movement of those funds.

Response: Yusuf objects to the accuracy of the assertion and refers to his discovery responses relating to the additional \$500,000 from Manal Yousef. Otherwise, Yusuf produces herewith all documents he has produced in the 650 case: Bates No.s FY650CASE- 000001 – 000034 including documents produced in the earlier 344 case: 344-FY-0004 – 0981, 0982 – 1027, 1148 – 1167 , and 1232 – 1237 as responsive to this request.

DUDLEY NEWMAN FEUERZEIG LLP

DATED: September 16, 2022

By: /s/ Charlotte K. Perrell
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CERTIFICATE OF SERVICE

It is hereby certified that on the 16th day of September, 2022, the foregoing **THIRD PARTY DEFENDANT FATHI YUSUF'S DISCOVERY RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**, which complies with the page and word limitations set forth in Rule 6-1(e), was filed with the Clerk of the Court and was served via e-mail, as agreed by the parties, addressed to:

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