

**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 RESPONSES TO YUSUF INTERROGATORIES

COMES NOW Carl J. Hartmann, counsel for Hisham Hamed, and gives notice of Hamed's responses to Yusuf's Interrogatories.

Objections

Plaintiff Sixteen Plus objects to RFA being directed to the individual rather than to the Corporation, and states that these are the responses of that individual, not the Corporation. That individual has limited personal knowledge as he was not present or involved in any of the activities. The inquiries would properly be directed at the corporation, as under Rule 30(b)(6), to its directors and officers, or to persons present and having personal knowledge.

Similarly, Hisham Hamed objects to answering questions more properly directed to the corporation and states that he lacks significant personal knowledge about the matters herein as he was not present or informed thereto. Nor can either speak for Waleed Hamed (who was present and did have knowledge) or for the rest of the Hamed family members.

Thus, each response below (except for two specifically designated) shall be deemed to be preceded with the Phrase:

I object to having to answer as merely a derivative plaintiff with regard to anything outside of my own, personal knowledge. I lack personal knowledge of the subject matter of all requests below except for this designated, as I was not present and was neither a director nor officer of Sixteen Plus. Subject to that, I provide what information I can glean from the papers and pleadings herein—but can answer only in that very limited personal capacity....The two that I do not object to are designated : [I can answer this of personal knowledge and therefore do not object.]

Responses to Interrogatories:

Interrogatory No. 1: Please identify each and every transfer of funds from accounts or cash from the Plaza Extra Partnership that you contend was made to Isam Yousef that was then provided to Sixteen Plus in the form of the February 1997 Transfer, the September 1997 Transfer and the Remaining Transfers?

It would be impossible to list every such transfer—I understand there were hundreds—all except the January and September \$2 million being in cash. You have been supplied the transfer request and deposit slips for these—which is what I know. I would have no personal knowledge as to the other, this is more properly directed to Waleed Hamed and to the Corporation.

Interrogatory No. 2: Why did Plessen Enterprises, Inc. provide information to the Bank of Nova Scotia seeking a loan from Bank of Nova Scotia in July 1997 in an effort to purchase the Diamond Katurah Property?

I would have no personal knowledge, this is more properly directed to Waleed Hamed and to the Corporation. My understanding is that all of the funds had not been collected and

moved by Isam on St. Martin to transfer into the Sixteen Plus account—as he had done for the first transfer.

Interrogatory No. 3: What did you understand was the reason for the creation of the alleged “sham” mortgage?

I would have no personal knowledge, this is more properly directed to Waleed Hamed and to the Corporation. I know from subsequent information that it was part of the skimming operation carried out by Fathi, Isam and Wally.

Interrogatory No. 4: Describe any information you have as to any loans provided by shareholders to Sixteen Plus, including when the loan was provided, who provided it, what was the amount of the loan and the terms of the repayment?

I would have no personal knowledge, this is more properly directed to Waleed Hamed and to the Corporation. I have only information from Wally and the research by my counsel. I was informed as to those facts prior to the filing of the complaint by Wally and the lawyers. I object to providing counsel's research on the basis of privilege, and Wally would be the better witness.

Interrogatory No. 5: Describe in detail any and all communications between Waleed Hamed and Isam Yousef relating to the Note, Mortgage, the February 1997 Transfer, the September 1997 Transfer and the Remaining Transfers.

I would have no personal knowledge, this is more properly directed to Waleed Hamed and to the Corporation. I have only information from Wally and the research by my counsel. I object to providing counsel's research on the basis of privilege, and Wally would be the better witness.

Interrogatory No. 6: Describe in detail any and all communications between Waleed Hamed and Isam Yousef relating to any type of Power of Attorney to be executed by Manal Yousef.

I would have no personal knowledge, this is more properly directed to Waleed Hamed and to the Corporation. I have only information from Wally and the research by my counsel. I object to providing counsel's research on the basis of privilege, and Wally would be the better witness.

Interrogatory No. 7: Describe in detail any and all communications between Waleed Hamed and Fathi Yusuf relating to the Note, Mortgage, the February 1997 Transfer, the September 1997 Transfer and the Remaining Transfers.

I would have no personal knowledge, this is more properly directed to Waleed Hamed and to the Corporation. I have only information from Wally and the research by my counsel. I

object to providing counsel's research on the basis of privilege, and Wally would be the better witness.

Interrogatory No. 8: Describe in detail any and all communications between Waleed Hamed and Fathi Yusuf relating to any type of Power of Attorney to be executed by Manal Yousef.

I would have no personal knowledge, this is more properly directed to Waleed Hamed and to the Corporation. I have only information from Wally and the research by my counsel. I object to providing counsel's research on the basis of privilege, and Wally would be the better witness.

Interrogatory No. 9: Describe in detail any and all communications between Waleed Hamed and Fathi Yusuf relating to the purchase of the Diamond Katurah Property and payment for the purchase.

I would have no personal knowledge, this is more properly directed to Waleed Hamed and to the Corporation. I have only information from Wally and the research by my counsel. I object to providing counsel's research on the basis of privilege, and Wally would be the better witness.

Interrogatory No. 10: Describe in detail any and all communications between Fathi Yusuf and you relating to Sixteen Plus's purchase of the Diamond Katurah Property, payment for the purchase, the Note, the Mortgage, the February 1997 Transfer, the Remaining Transfers, interest payments, any potential sale of the Diamond Katurah Property and any Powers of Attorney from Manal Yousef.

I would have no personal knowledge, this is more properly directed to Waleed Hamed and to the Corporation. I have only information from Wally and the research by my counsel. I object to providing counsel's research on the basis of privilege, and Wally would be the better witness.

Interrogatory No. 11: Describe in detail how Sixteen Plus learned about and came into possession of the Real Estate Power of Attorney from Manal Yusuf to Fathi Yusuf which is attached as Exhibit 1 to Plaintiff's complaint, including the names of the individuals, who provided any such information to Sixteen Plus and when such information was acquired.

I would have no personal knowledge, this is more properly directed to Waleed Hamed and to the Corporation. I have only information from Wally and the research by my counsel. I object to providing counsel's research on the basis of privilege, and Wally would be the better witness.

Interrogatory No. 12: Please identify all facts which support your contention that the Note and Mortgage are shams, and as to each such fact please provide the following information:

No consideration was given. Manal never had \$4.5 million. The funds were provided by Fathi Yusuf and Wally Hamed from Plaza Extra skimmed funds.

1) state when you learned about each such fact;

Wally told me, and it is backed up by documents and research by the lawyers.

2) state how you learned about each such fact;

I spoke to Wally, and read the documents.

3) identify all persons who have knowledge of each such fact; and

Wally and the lawyers.

4) identify and produce any documents which support or tend to support the existence of each such fact.

My understanding is that all such documents have been produced.

Dated: October 26, 2022

A handwritten signature in black ink, appearing to read "Carl J. Hartmann III", with a long horizontal flourish extending to the right.

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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 26th day of October, 2022, I served a copy of the foregoing by email, as agreed by the parties, on:

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