

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

HISHAM HAMED , individually, and)	
Derivatively, on behalf of SIXTEEN)	
PLUS CORPORATION ,)	CIVIL NO. SX-2016-CV-00650
)	
Plaintiff,)	DERIVATIVE SHAREHOLDER
)	SUIT, ACTION FOR DAMAGES
vs.)	AND CICO RELIEF
)	
FATHI YUSUF, ISAM YOUSUF and)	JURY TRIAL DEMANDED
JAMIL YOUSEF ,)	
)	
Defendants.)	
)	
and)	
)	
SIXTEEN PLUS CORPORATION ,)	
)	
a nominal Defendant,)	
)	

**ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S
SECOND REQUESTS FOR INTERROGATORIES TO DEFENDANT ISAM YOUSUF**

The Defendant, **ISAM YOUSUF**, by and through his undersigned attorney, James L. Hymes, III, does not voluntarily appear in this matter, does not submit to the jurisdiction of the Court, and does not waive any objections to subject matter jurisdiction, personal jurisdiction, improper venue, insufficiency of process, insufficiency of service of process, or failure to state a claim upon which relief can be granted, or any other defense or objection which may be presented whether by pleading or motion in this action, hereby responds to Plaintiff's First Request For Interrogatories to Defendant Isam Yousuf, as follows:

I. GENERAL OBJECTIONS

ISAM YOUSUF, incorporates the following general objections into each and every interrogatory response as set forth below, and further, by submitting his responses to these Interrogatories, does not voluntarily appear in this matter, does not submit to the jurisdiction of the Court, and does not waive any objections to subject matter jurisdiction, personal jurisdiction, improper venue, insufficiency of process, insufficiency of service of process, or failure to state a claim upon which relief can be granted, or any other defense or objection which may be presented whether by pleading or motion in this action, including those set forth in his Motion to Dismiss Plaintiff's First Amended Complaint:

1. Isam Yousuf objects to that portion of plaintiff's instructions and definitions to the extent that they impose any burden on him not specifically provided for by the Virgin Islands Rules of Civil Procedure.

2. Isam Yousuf objects to each interrogatory to the extent that any full answer thereto would require this defendant to divulge information, documents, or communications protected by the attorney-client privilege or the attorney work product doctrine, or to the extent that it seeks information or documents reflecting attorney/client communications, attorney work product, or the work product of non-attorneys prepared for, or under the direction of an attorney, or in anticipation of litigation or for trial preparation.

3. Isam Yousuf objects to each interrogatory to the extent that it seeks information or documents outside of his possession and custody, or in the control of a third-party over whom he has no power.

4. Isam Yousuf objects to each interrogatory to the extent it is overly broad, unduly vague, or ambiguous.

5. Isam Yousuf objects to each interrogatory to the extent it requires the production of information which would be burdensome, oppressive, or expense to produce.

6. Isam Yousuf objects to each interrogatory to the extent that it seeks information that is not, in any meaningful way, related to the parties' claims or defenses.

7. Isam Yousuf objects to each interrogatory, or any portion thereof, that seeks information on matters of public record, or other information to which plaintiff has equal access.

8. Isam Yousuf objects to each interrogatory, or portion thereof, which requires a response that may contain or reflect subsequent remedial measures or reflect information protected by the privilege of self-critical evaluation.

9. Isam Yousuf objects to each interrogatory to the extent it seeks information not calculated to lead to the discovery of relevant or admissible evidence.

10. Isam Yousuf objects to any inadvertent disclosure of privileged information being deemed a waiver, or being used affirmatively against them for any reason or purpose.

11. Isam Yousuf objects to each interrogatory to the extent that it seeks information in excess of the numerical limitation including all discrete subparts.

II. INTERROGATORIES

Interrogatory 21:

Please refer to two Exhibits from the 1st 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:

- A. Island Appliances and Isam Yousuf are the names on the account. My father also had access to it.**
- B. My father directed me to transfer the funds to Sixteen Plus as an investment for the benefit of my sister, Manal, and to allow Sixteen Plus to acquire the Diamond Kuturah property.**

- C. I filled out the transfer form and the handwriting on it is mine. This was done at the direction of my father.**
- D. The \$2 Million was provided by my father. I did not deposit it, therefore I do not have a deposit slip or a bank statement in connection with the.**
- E. I have no personal recollection of any information which would allow me to answer this question.**
- F. This is a second account of Island Appliances located on the French side of St. Maarten. My father had access to the same account to make deposits for the benefit of Manal.**
- G. I have no documents or recollection which would permit me to be responsive to this request for information.**
- H. I have no knowledge or information with which to respond to this interrogatory. It is possible that tax related documents were prepared and filed by my father.**

Interrogatory 22:

Attached are two Exhibits from the 1st 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:

- A. Island Appliances and Isam Yousuf are the names on the account. My father also had access to it.**
- B. We agreed to make the loan to Sixteen Plus.**
- C. Although I have no memory of having done so, I must have filled out the transfer form since it is in my handwriting.**
- D. The funds came from my father for the benefit of his daughter, Manal. I have no recollection of when it was deposited by him.**
- E. I have no personal recollection, or any information which would allow me to answer this question.**

- F. This is a second account of Island Appliances located on the French side of St. Maarten. My father had access to the same account to make deposits for the benefit of Manal.**

- G. I have no documents or recollection which would permit me to be responsive to this request for information.**

- H. I have no knowledge or information with which to respond to this interrogatory. It is possible that tax related documents were prepared and filed by my father.**

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:

- A. It was given by me to Waleed, in cash, in St. Maarten.**
- B It was given by me to Waleed in Maarten.**

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:

- A. All three payments were paid to me in cash in St. Maarten, by Waleed.**
- B. There were no transfers to Manal. The money I received was given in cash by me to Manal on different days, and in different amounts as she needed it.**
- C. I have no knowledge or information with respect to this interrogatory.**
- D. I have no knowledge or information with respect to this interrogatory.**
- E. No. Manal was not a US resident, or US citizen.**
- F. I have no knowledge or information with respect to this interrogatory.**
- G. Manal is not a US resident, or US citizen now, or when she received any cash from me. If it is determined she owes taxes, I would expect her to pay them.**

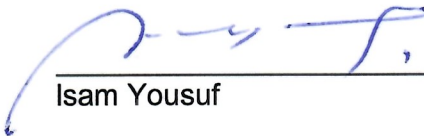
HISHAM HAMED, Individually, and derivatively, on behalf of SIXTEEN PLUS CORPORATION vs. FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF
SCVI/STX Civil No. SX-16-CV-650

**ISAM YOUSUF'S RESPONSES TO PLAINTIFF HISHAM HAMED'S
SECOND REQUESTS FOR INTERROGATORIES TO DEFENDANT ISAM YOUSUF**

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: September 15, 2022.

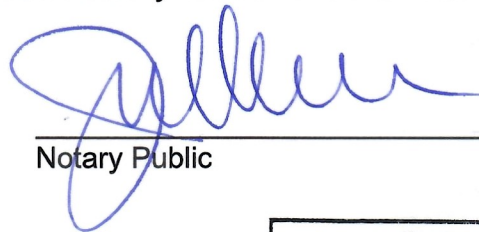


Isam Yousuf

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) ss.
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On this, the 15 day of September, 2022, before me, the undersigned officer, personally appeared Isam Yousuf, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notary Public



JW SOCHRIN
Notary Public, State of Connecticut
My Commission Expires Aug. 31, 2024

HISHAM HAMED, Individually, and derivatively, on behalf of SIXTEEN PLUS CORPORATION vs.
FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF
SCVI/STX Civil No. SX-16-CV-650
ISAM YOUSUF'S RESPONSES TO PLAINTIFF HISHAM HAMED'S
SECOND REQUESTS FOR INTERROGATORIES TO DEFENDANT ISAM YOUSUF

DATED: September 22, 2022.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
Counsel for Defendants –
Isam Yousuf, and Jamil Yousuf

By: */s/ James L. Hymes, III*

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