

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 REQUEST FOR THE PRODUCTION OF DOCUMENTS
TO DEFENDANT ISAM YOUSUF**

The Defendant, **ISAM YOUSUF**, 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, and without waiving same hereby responds to Plaintiff Hashim Hamed’s First Request For The Production Of Documents, as follows:

GENERAL OBJECTIONS

Isam Yousuf submits and incorporates into each request the following general objections to Plaintiff's Second Request for the Production of Documents set forth herein, and further, by submitting his responses to the Plaintiff's Second Request for the Production of Documents, does not waive any objections to subject matter jurisdiction, personal jurisdiction, service of process, 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:

1. Isam Yousuf objects to each request contained in Plaintiff's Second Request for the Production of Documents to the extent such request asks for communications between him and his lawyers; these attorney-client communications are privileged and not subject to disclosure.

2. Isam Yousuf objects to each request contained in Plaintiff's Second Request for the Production of Documents to the extent such request asks for disclosure of material prepared by or for his lawyers or his representatives in the course of securing legal counsel, or in anticipation and defense of litigation; this material is protected from disclosure by the work product doctrine. Similarly, Isam Yousuf objects to each request contained in Plaintiff's Second Request for the Production of Documents to the extent such request asks for communications between him and his lawyers on the grounds of the privilege afforded to parties with a common interest or joint defense.

3. Isam Yousuf has made the following responses without waiving: (1) the right to object to the use of any response for any purposes, in this action or in any other actions, on the grounds of privilege, relevance, materiality, or anything else appropriate; (2) the right to object to any other requests involving or relating to the subject matter of this response; and (3) the right to revise, correct, supplement, or clarify these responses should his ongoing investigation in defense of this action warrant such changes.

4. Isam Yousuf generally objects to any request that purports to impose requirements more burdensome and beyond the scope of those set forth under the Virgin Islands Civil Rules of Procedure, including without limitation Rules 26 and 34. Furthermore, objection is made to each and every request that is uncertain as to time and purports to request documents as to facts or circumstances unrelated in time to any issue or claim in this action.

REQUESTS

Document Request No. 21:

Produce your personal tax returns, those of Island Appliance and any you prepared or filed for Manal for the years 1977 through 2001.

Response:

Isam Yousuf objects to producing either his own personal income tax returns, or those of Island Appliance for the reason that neither he nor Island Appliance have any financial or income tax interest or implication with respect to this litigation. In addition, he did not prepare, nor does he have copies of, the income tax returns which were filed by Manal for the years 1997 through 2001, nor does he have any knowledge as to whether or not returns were in fact filed and, if so, where.

Document Request No. 22:

Produce all tax filings for you, Jamil, Island Appliance or which you or Jamil prepared or filed for Manal from 1996 or thereafter which reflect:

- A. Payment of income tax to the USVI for USVI Source Income from 3 interest payments in 1998, 1999 and 2000.
- B. Payment of FIRPTA obligations to the USVI for US Government for 3 interest payments in 1998, 1999 and 2000.

Response:

A. and B. See objection to Document Request No. 21 above, which is repeated as if fully set forth in these responses. Without waiving those objections, None.

Document Request No. 23:

Produce all tax filings for you, Jamil, Island Appliance or which you or Jamil prepared or filed for anal from 1996 or thereafter which reflect:

- A. Payment of income tax to the governments of St. Maarten or the West Bank for interest Income in excess of \$1 million from 3 interest payments in 1998, 1999 and 2000.
- B. Deductions in St. Maarten or the West Bank for payment of FIRPTA obligations to the USVI FOR us Government for 3 interest payments in 1998, 1999 and 2000.

Response:

A. and B. See objection to Document Request No. 21 above, which is repeated as if fully set forth in these responses. Without waiving those objections, None.

Document Request No. 24:

All written documents or other communications in which you acted for Manal or on her behalf to set up bank accounts for her, create investment accounts for her, set up trusts or corporate entities or partnerships for her, received funds for her, sent funds for her, invested funds for her, gifted funds to or from her or in any other manner acted for her on her behalf for any amount or asset over the value equivalent of \$10,000US.

Response:

The only documents responsive to this request are the Promissory Note executed by the Sixteen Plus Corporation in the amount of \$4,500,000 payable to Manal, and the First Priority Mortgage securing the payment of same with interest.

Respectfully Submitted,

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*

JAMES L. HYMES, III

VI Bar No. 264

P.O. Box 990

St. Thomas, Virgin Islands 00804-0990

Telephone: (340) 776-3470

Facsimile: (340) 775-3300

E-Mail: jim@hymeslawvi.com;

rauna@hymeslawvi.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd day of September, 2022, I caused an exact copy of the foregoing "*Isam Yousuf's Response To Plaintiff Hisham Hamed's Second Request For The Production Of Documents To Defendant Isam Yousuf*" to be served electronically by e-mail, and by mailing same, postage pre-paid, to the following counsel of record:

JOEL H. HOLT, ESQ.

LAW OFFICES OF JOEL H. HOLT
2132 Company Street
Christiansted, USVI, 00820
holtvi@aol.com

Counsel for Plaintiff

CARL J. HARTMANN, III, ESQ.

5000 Estate Coakley Bay, L-6
Christiansted, VI 00820
carl@carlhartmann.com

Co-Counsel for Plaintiff

CHARLOTTE PERRELL, ESQ.

STEFAN HERPEL, ESQ.

DUDLEY NEWMAN FEUERZEIG

Law House, 1000 Frederriksberg Gade
P.O. Box 756
St. Thomas, VI 00804-0756
cperrell@dnfvi.com

sherpel@dnfvi.com

Attorneys for Defendant Fathi Yusuf

KEVIN A. RAMES, ESQ.

KEVIN A. RAMES, P.C.
2111 Company Street, Suite 3
Christiansted, VI 008220

kevin.rames@rameslaw.com

Attorneys for Sixteen Plus Corporation

/s/ James L. Hymes, III