

From: [Carl Hartmann](#)
To: ["Jim Hymes"](#); ["Rauna Stevenson"](#)
Cc: ["Kim Japinga"](#); ["Joel Holt"](#); ["Charlotte Perrell"](#); [Stefan Herpel](#); ["Pamela Bayless"](#)
Subject: Additional Rule 37 items from 2nd req to Admit and existing Rule 37 Request as to earlier Manal Responses in 65/342
Date: Wednesday, October 5, 2022 8:47:00 PM

Jim:

I would like to get a date and time to discuss the topics set forth in my Rule 37 notice of Tuesday, September 20, 2022 at 5:15 PM (which appears below in this email.) I am also providing you with two additional topics regarding today's responses to 2nd req to admit. Finally, I am waiting for a date and time as to the Isam/Jamil responses, but feel that because of the volume of issues, Manal's should be dealt with separately.)

Additional Manal Topics:

1. RFA 16

Request to Admit 16

Admit or Deny that you have been informed that you are or may be a person of interest, a target, or indicted in a pending or potential criminal matter.

Response:

DENY that anyone has informed her that she may be a person of interest, a target, or indicted in a pending or potential matter except from this request to admit which, if it is threatening a crime, is an impermissible form of discovery, criminal in and of itself, and an unethical form of discovery to be conducted by the attorneys in this jurisdiction.

Hamed's position:

This is an unacceptable response as it incorrectly applies the applicable rule and is unresponsive to the question asked. Your client is alleged to be actively, presently participating in the ongoing use of a sham note and mortgage to obtain funds. One of the other defendants alleged to be participating with her has invoked the 5th Amendment. By doing so he asserts that he has been indicted, targeted, made a person of interest, is under investigation *or reasonably fears criminal action* against him arising out of the prosecution of this note and mortgage. It is within ALL ethical boundaries to inquire as to whether your client will or may also assert any reasonably possible defense such as taking the 5th. As you know, if I ask whether she intends to take the 5th, she can reply that she has not made up her mind. But she cannot refuse to answer this request -- a factual question about what she knows or perceives when answering. Whether she knows something or reasonably fears it is a factual inquiry leading analysis and response to a defense. Thus, inquiry into the *factual predicates of such a potential defense is NOT* presenting, participating in presenting, or threaten to present criminal charges (2) solely to obtain an advantage in a civil matter.

I have not brought or threatened to bring criminal charges—in fact, the only ones who brought criminal charges against another party in these related matters involved a Yusuf criminal charge against Hamed. As I have told Atty. Perrell, we do not foresee any criminal reference or complaint coming from Hamed in this matter, as that would grossly interfere with the civil action and further delay a case that has been efficiently delayed long enough already—but I also need to be very clear as to what is being claimed by Mr. Yusuf regarding the 5th Amendment and whether there is some pending action or whether this is a fear, and if so—what that fear involves--since he is fully transactionally immunized up to the date of the plea agreement. So, first, a discovery question as to the factual predicate of a very realistic constitutional defense is not in any way threatening or participating in the *presentation of criminal charges*. Second, even if your client apprehends this, the discovery has a reasonable and factually necessary inquiry into an already asserted defense at its base. Thus, it is certainly not solely for such a purpose.

You can continue with this meritless assertion by not supplementing and Judge Brady will then be asked to compel a response. And, might I add, that if Manal later asserts the 5th, we will seek sanctions for the obvious, dilatory and wanton evasion of Rule 26 in this present non-response. That is a topic for a Rule 37 conference discussion.

2. RFAs 19-22

Request to Admit 22

Admit or Deny that at the time you are answering this request if you had the appropriate visa, you are not prevented from physically attending a trial in this matter in the USVI by any legal or other type of impediment.

Response:

ADMIT, but DENIES that she has been issued an appropriate visa to travel despite having made a request to do so, and for the reasons set forth in her Responses to Request to Admit Nos. 19, 20, and 21, above.

Hamed's Position:

While the Department of Homeland Security (DHS) announced on April 21, 2022 that it was temporarily extend the temporary Title 19 requirements and continue to require non-U.S. travelers entering the United States via land ports of entry and ferry terminals at the U.S.-Mexico and U.S.-Canada borders to be fully vaccinated against COVID-19 and provide related proof of vaccination upon request—this is not expected to continue after the first of the year in 2023. One cannot respond “Admit, but Denies....”. However, I understand her intent.. Thus, I will agree to revise the questions to read “Unless she is prevented from entry into the US or the Territory due to COVIS restrictions.....” If she will then answer we can save time and that avoid that portion of the Rule 37 conference.

Carl

ps. I'd like to add that I have never, in 42 years of practice, advised a client to file a

criminal complaint or make a reference to a prosecutorial body—although several adverse parties have been referred (sua sponte by the judge) for criminal contempt in civil cases where I was counsel. Nor have I filed or been the subject of disciplinary proceedings. I understand the practice is changing these days....but your assertion is disappointing.

CARL J. HARTMANN III
EMAIL: CARL@HARTMANN.ATTORNEY
TELEPHONE: (616) 416-0956
WEBSITE : WWW.HARTMANN.ATTORNEY

From: Carl Hartmann <carl@carlhartmann.com>
Sent: Tuesday, September 20, 2022 5:15 PM
To: 'Rauna Stevenson' <rauna@hymeslawvi.com>; 'Jim Hymes' <jim@hymeslawvi.com>
Cc: 'Charlotte Perrell' <Cperrell@dnfvi.com>; sherpel@dnfvi.com; pbayless@dnfvi.com; 'Joel Holt' <holtvi@aol.com>; Kim Japinga <kim@japinga.com>
Subject: Rule 37 Request as to 2nd and 3rd Interrogatory Responses in 65/342

Jim:

Pursuant to Rule 37, I would like to schedule a conference to discuss the following—in addition to the items discussed in my prior email.

Interrogatories #2

Interrogatory 17:

Describe in detail the full response to Interrogatory #9, unless you had no such accounts, none were in your name or no such accounts existed where you were a beneficiary -- for the stated time period. If there were no such accounts, state, as agreed “I had, had in my name or was the beneficiary of no such accounts for that time period.”

RESPONSE:

A copy of my Power of Attorney to Jamal has been produced, as have copies of my passports. I have no documents relating to my receipt of funds from Sixteen Plus. My brother gave me cash from time to time as I needed it.

Hamed Position: This is unresponsive. It seeks any accounts in her name or as to which she is/was a beneficiary. I want to know where and on what account numbers I need to get local subpoenae for. Account name, institution and account number – and years open. If her response is “from 1995 to the present I have had no bank or other accounts and was the beneficiary of none—that is false...as she was a beneficiary on those of at least ISam or Island Appliances. If here response is I was a beneficiary of accounts held by ISAM and had none of my own, then she has to make reasonable inquiry of Isam to get them.

Interrogatory 19:

Please describe all of the following with a full description of the documents, dates and persons involved:

- A. All taxes paid to the US Virgin Islands Government for the three payments of \$360.000 from the Virgin Islands Corporation, Sixteen Plus. (I.e. all VI sourced income.)

RESPONSE:

As a non-US Resident, and non-US Citizen, I did not think I have to pay taxes. If I do, I do not mind paying them when the case is over.

- B. All taxes paid to the US Government for the three payments of \$360.000 from the Virgin Islands Corporation, Sixteen Plus. (I.e. all US source income.)

RESPONSE:

As a non-US Resident, and non-US Citizen, I don't think I have to pay tax, and if I have to pay, I do not mind paying when the case is over.

Hamed Position: Both unresponsive. The correct response is "I did not pay taxes to the USVI government for the \$360,000 I received. Same as to US government"

- C. All taxes paid to the governments of your residence and citizenship for the three payments of \$360.000 from the Virgin Islands Corporation, Sixteen Plus.

RESPONSE:

As a non-US Resident, and non-US Citizen, I did not think I have to pay taxes. If I do, I do not mind paying them when the case is over.

Hamed Position Same here, but I'd be careful about pleading she did not think she had to pay taxes in either STM or West Bank.

- D. All transfers of funds to you or for your benefit for those three payments.

RESPONSE:

I receive cash from my brother from time to time, as needed.

Hamed Position: What times? Approximate years and amounts. Small or large amounts.

Also--RESPONSE:

All funds received by my brother have been disbursed to me over time, **and there are none left to be distributed.**

Hamed Position: What were they spent on? When—does she have any assets worth \$350k ?

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Query as to taxes in her place(s) of residence

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Hamed Position Same here, but I'd be careful about pleading she did not think she had to pay taxes in either STM or West Bank.

Interrogatories #3

Most of these do not provide the facts on which she will rely – thus you are on notice that she will move to strike most the defenses.

Carl

Carl J. Hartmann III
Email: Carl@Hartmann.Attorney
Telephone: (616) 416-0956

Website : www.Hartmann.Attorney

Carl J. Hartmann III
Email: Carl@Hartmann.Attorney
Telephone: (616) 416-0956

Website : www.Hartmann.Attorney

