

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-16-CV-650
)	
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 ADMISSIONS TO DEFENDANT ISAM YOUSEF**

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 Hisham Hamed's Second Request For Admissions as follows:

GENERAL OBJECTIONS

Isam Yousuf submits and incorporates into each request the following general objections to Plaintiff's Second Request for Admissions set forth herein, and further, by submitting his responses to the Plaintiff's Second Request for Admissions, 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 Admissions 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 Admissions 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 Admissions 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 Federal Rules of Civil Procedure, including without limitation Rule 36. Furthermore, objection is made to each and every request that is uncertain as to time and purports to request admissions as to facts or circumstances unrelated in time to any issue or claim in this action.

5. Isam Yousuf objects to being asked to respond to any form of written discovery which is propounded fraudulently and in contradiction of the Answer of Sixteen Plus Corporation and Hisham Hamed to the Complaint to foreclose the note and mortgage, and the affirmative defenses raised in contravention thereto, which appear to deny the legal sufficiency and/or the existence of a valid note and mortgage, or that payments of interest were made by Sixteen Plus Corporation as required by the note and mortgage, and further object to any response to a fraudulent form of discovery being used against him, and affirmatively asserts that responses and answers to written discovery are given with the assumption that written discovery is being propounded in good faith and with the knowledge that the note, mortgage and payments of interest as required thereby were in fact lawfully issued and made.

ADMISSIONS

21. ADMIT you received funds from or on behalf of Sixteen Plus Corporation as payment of interest due under the Note at issue here to Manal Yousef in 1998. (hereinfter the "1998 interest funds.")

RESPONSE:

ADMIT for the reasons set forth in the Response to Request to Admit No. 30, below.

22. ADMIT you deposited those 1998 interest funds in a bank, investment fund or other third party entity after receipt.

RESPONSE:

DENY for the reason that these funds were retained by Isam Yousuf as cash for the benefit of Manal.

23. ADMIT You received those 1998 interest funds from Wally Hamed.

RESPONSE:

ADMIT.

24. ADMIT that the 1998 interest funds were deposited in your own name.

RESPONSE:

DENY for the reason set forth in the Response to Request to Admit No. 22, above.

25. ADMIT that the 1998 interest funds were deposited in Manal's name.

RESPONSE:

DENY for the reason set forth in the Response to Request to Admit No. 22, above.

26. ADMIT that the 1998 interest funds were deposited in a third party's or entity's name.

RESPONSE:

DENY for the reason set forth in the Response to Request to Admit No. 22, above.

27. ADMIT that the 1998 interest funds were NOT deposited but were retained by you as cash.

RESPONSE:

ADMIT, the 1998 interest funds were retained by me as cash for the benefit of Manal.

28. ADMIT that the 1998 interest funds were NOT deposited but were retained by Manal as cash.

RESPONSE:

DENY for lack of information as to what Manal did with the cash I gave her at her request.

29. ADMIT that the 1998 interest funds were NOT deposited but were retained by a third person or entity as cash.

RESPONSE:

DENY for the reason set forth in the Response to Request to Admit No. 22, above.

30. ADMIT that you did not pay income tax in the USVI for the 1998 interest funds.

RESPONSE:

ADMIT for the reason that Isam Yousuf had no interest in, or received any benefit from, the payment of interest by the Sixteen Plus Corporation in accordance with the terms and conditions of the Note and Mortgage given by it to Manal Yousef, which were given to Isam Yousuf by Wally Hamed in cash.

31. ADMIT that you did not pay FIRPTA tax in the US for the 1998 interest funds.

RESPONSE:

ADMIT for the reasons set forth in the Response to Request to Admit No. 30, above

32. ADMIT that you did not pay income tax in the USVI for the 1998 interest funds for Manal.

RESPONSE:

ADMIT for the reasons set forth in the Response to Request to Admit No. 30, above.

33. ADMIT that you did not pay FIRPTA tax in the US for the 1998 interest funds for Manal.

RESPONSE:

ADMIT for the reasons set forth in the Response to Request to Admit No. 30, above.

34. ADMIT that Manal did not pay USVI income tax or US FIRPTA for the 1998 interest funds.

RESPONSE:

DENY for lack of information.

35. ADMIT you received funds from or on behalf of Sixteen Plus Corporation as payment of interest due under the Note at issue here to Manal Yousef in 1999 and 2000 (hereinfter the "1999 & 2000 interest funds.")

RESPONSE:

ADMIT.

36. ADMIT you deposited those 1999 & 2000 interest funds in a bank, investment fund or other third party entity after receipt.

RESPONSE:

DENY for the reason set forth in the Response to Request to Admit No. 22, above.

37. ADMIT those funds were received from Wally Hamed.

RESPONSE:
ADMIT.

38. ADMIT that the 1999 & 2000 interest funds were deposited in your own name.

RESPONSE:
DENY for the reason set forth in the Response to Request to Admit No. 22, above.

39. ADMIT that the 1999 & 2000 interest funds were deposited in Manal's name.

RESPONSE:
DENY for the reason set forth in the Response to Request to Admit No. 22, above.

40. ADMIT that the 1999 & 2000 interest funds were deposited in a third party's or entity's name

RESPONSE:
DENY for the reason set forth in the Response to Request to Admit No. 22, above.

41. ADMIT that the 1999 & 2000 interest funds were NOT deposited but were retained by you as cash.

RESPONSE:
ADMIT.

42. ADMIT that the 1999 & 2000 interest funds were NOT deposited but were retained by Manal as cash.

RESPONSE:

ADMIT.

43. ADMIT that the 1999 & 2000 interest funds were NOT deposited but were retained by a third person or entity as cash.

RESPONSE:

DENY for the reason set forth in the Response to Request to Admit No. 22, above.

44. ADMIT that you did not pay income tax in the USVI for the 1999 & 2000 interest funds.

RESPONSE:

Admit for the reasons set forth in paragraph 30 above

45. ADMIT that you did not pay FIRPTA tax in the US for the 1999 & 2000 interest funds.

RESPONSE:

ADMIT for the reason set forth in the Response to Request to Admit No. 30, above.

46. ADMIT that you did not pay income tax in the USVI for the 1999 & 2000 interest funds for Manal.

RESPONSE:
ADMIT.

47. ADMIT that you did not pay FIRPTA tax in the US for the 1999 & 2000 interest funds for Manal.

RESPONSE:
ADMIT.

48. ADMIT that Manal did not pay USVI income tax or US FIRPTA for the 1999 & 2000 interest funds.

RESPONSE:
ADMIT.

Respectfully Submitted,

DATED: October 6, 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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CERTIFICATE OF SERVICE

I hereby certify that on this the 6th day of October, 2022, I caused an exact copy of the foregoing ***“ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S SECOND REQUEST FOR ADMISSIONS TO DEFENDANT ISAM YOUSEF”*** to be served electronically by e-mail, to the following counsel of record:

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