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ADMITTED: USVI & DC

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Email Only

James Hymes, Esq.  
cc: Charlotte Perrell, Esq.  
Stefan Herpel, Esq.  
Joel Holt, Esq.  
Ioana André, Avocat

RE: Additional Clarification re Rule 37 Conference in 650/65/342 as to Isam (5<sup>th</sup> letter)

Jim:

I understand that you and Joel have agreed that Joel will postpone the start of the Manal deposition in return for specific dates for both the Manal deposition and the Rule 37 conference(s) for Isam and Manal. Any conference(s) will be with me, although Joel may attend if he is reachable. Please provide your availability. As I have informed him, the further delay is disappointing in light of the tight discovery schedule, and I will alter my open times in any way necessary to accommodate your scheduling needs so this will be accomplished.

Now that you have agreed to provide a Rule 37 conference date, I write to further inform you of issues more particular to Isam—my initial list of topics having been directed to Manal. We are skeptical as to the completeness of the information provided to date regarding the topics listed in the Isam/Jamil Rule 37 notices. Three quick examples are instructive but not plenary: First, I direct you to the incomplete list of accounts and the lack of detail on them, which are robustly non-complaint. As Isam takes the position that he cannot remember and/or has not kept copies, *we want a letter signed by him and notarized, authorizing the BFC and Cairo Amman Bank to provide us with the account records from 1995-2001 both for the Isam/Island Appliances' accounts he has disclosed--and for the accounts he has not disclosed.* These would include, but must not be limited to:

x-250317114200 (Jordan)  
x-419040 (STM)  
x-63541 (STM)  
x-201869 (STM)  
x-8779040 (STM)

and, as he was a signatory on them, for all checks, deposits and wires by Isam on:

x-20186 (STM)  
x-07026 (STM)  
x-21266 (STM)

I note that Isam should have been instructed to seek and produce these as part of his reasonable efforts to obtain *documents within his control*, but we will do so now. We will pay for the bank's services and add them to the costs in this matter. To avoid any further delay before your clients' depositions are taken please send a copy of your letter and the one discussed directly below to Avocat Ioana André, 56 Immeuble le West Indies Mall Le Marigot, 97150, St. Martin—by email: [ioana.andre@andre-avocats.fr](mailto:ioana.andre@andre-avocats.fr)

Second, we also want a separate, similar letter to the STM Judicial Police Branch, regarding the file in case number 2002/078 which your client knows fully well contains a significant amount of the relevant banking information; and should have been disclosed in the absence of his ability to remember or personally produce. Again, we will pay for the services and add them to the costs in this matter.

Third, addresses and passports have not been adequately supplied and disclosed. We want all residential addresses he has used during the relevant time period—whether they were real or false, permanent or temporary. This must include but not limited to (1) Garden Street, Amman, Jordan, (2) any places he stays in Connecticut, and (3) the address listed on his naturalization papers, his original U.S. Passport application and all re-applications, as well as other locations on STM. (Again, please file with the Court or supply all of the passports previously discussed.) We also want to clarify whether he or Manal have ever physically resided (slept) at 12 Cannegeter Road, Philipsburg, St. Maarten—or whether that was strictly the business location. (I.e., are there any residential facilities there?) Please have him be complete this time.

I would very much to like this be productive conference rather than your simply stating you will go back and talk with your clients—and then have further delays. As you know, discovery ends on December 31<sup>st</sup>, and at this pace, we will not have the discovery material before time runs to take your clients' depositions. Also, you, Joel and Charlotte should schedule those depositions for Fathi, Isam and Jamil soon.

Thank you,



Carl J. Hartmann III