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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: Details on "BFC Appliance as per 10/20/2022 Rule 37 Conference in 650/65/342

Jim:

In our Rule 37 conference on Thursday, October 20, 2022, item 11 discussed was "BFC" Island Appliance references in the discovery responses by Isam. In my confirming letter of that same date, I said:

Item 11: I asked that you agree to my pro forma amendment of all pending discovery to correct any confusion between "BFC Island Appliance" and "Island Appliance" and then re-answer questions where I believe the confusion may have altered answers. **You asked for clarification as to which questions those were, and I agreed to send you a separate letter listing them.** You stated you would let me know after seeing that letter. I noted that this was a simple matter and that if you would not, I would seek assistance from the Court.

Although your clients answered many as though they correctly understood the reference, below are the questions where it appears that your clients are answering as to "BFC Island Appliance" an entity unknown to them, as opposed to "Island Appliance" an entity owned and operated by Manal's brother Isam. Please either agree to treat all references in discover to "BFC Island Appliance(s) as the "BFC ISLAND APPLIANCES" – the business Isam ran, and state that all answers were correct as to that entity as given--or state that you will not so respond. These are the three relating to Isam's responses of particular concern:

- a. **Req to Admit 4.** ADMIT that in 1997, BFC Island Appliance was owned at least in part by you, either directly or indirectly.

RESPONSE: DENY.

Comment: Isam has admitted elsewhere that he was a shareholder in Island Appliance. Thus, this response should be: "Admit".

- b. **Interrogatory 3:** Please describe in detail **all that you know** about BFC Island Appliance, including but not limited to its location, years of operation, ownership, location of its bank accounts, your relationship to it and its one of its owners/operators as well as the name and address of all of its other owners/operators.

Response: In 1986, I acquired Sosamag Supermarket in the French side of St. Maarten. The previous owner had an account with BFC Bank. I opened an account with the same bank for Island Appliances sometime near the end of 1986, or the beginning of 1987.

Comment: this should elicit an extensive response, including but not limited to:

- i. How it began and when. "Previous owner" alluded to in response, their address and a description, All intermediate owners/operators. When and how he acquired it and from whom.
  - ii. Its approximate yearly gross and net.
  - iii. All business and other licenses or government qualifications,
  - iv. Its legal form: partnership, corporation, sole proprietor, etc. and any documents related to that
  - v. Father's initial ownership/involvement--and ownership/role in 1995-2000
  - vi. His father's diminishing participation and his expanding role by 1995.
  - vii. Location of ALL of its bank accounts, and for each, the account number.
  - viii. His relationship to it during the period that it lasted by year—position(s), pay, title(s), responsibilities, number/percentage of shares if corporation, agreement if not a corporation
  - ix. Identification and addresses of all others who were either owners or operations while it existed
- c. **Interrogatory 4:** Please list all financial accounts you have, that are fully or partially in your name, in any corporation, partnership or business association in which you own more than 5% interest, or as to which you are a beneficiary from January 1, 1995 through December 31, 2000, including but not be limited to all: bank accounts, stock brokerage accounts, negotiable instrument accounts, retirement accounts, trading or options accounts, and funds transfer accounts. For each, identify the name and address of the institution, the title holder(s), the beneficiaries or trust beneficiaries as well as the last four digits of the account number(s).
- Response: BFC Bank - I had a personal bank account. Island Appliances had a business account at the same bank. Windward Island Bank - Island Appliances had a

business account with the bank at its Phillipsburg St. Maarten branch. Windward Island Bank - Dyson Island Furniture had a business account at the bank's Phillipsburg St. Maarten branch.

Comment: I have already supplied you with several bank accounts that were not listed. To assist in helping your client recall I refer you to the French criminal investigators report that was supplied to you with Fathi's handwritten notes, HAMD685703-HAMD685713--2022-10-15 Wally 3.pdf It states, in part:

- **Euro account No. 60201869000** was opened in the name of YOUSUF Isam (trade name: Island Appliances) on February 13, 1995.  
The attached documents were:
    - the signature card for accounts No. 63541(dollars) and 20186 (francs) opened on February 13, 1995.
    - a copy of the passport of ISAM MOHAMAD YOUSUF born on February 20, 1952 in Jordan.
    - a copy of a portfolio transfer sheet (accounts No. 60201869000: YOUSUF ISAM and No. 6063541 9040: "Island Appliances").
    - a copy of a transfer order dated February 13, 1997 for an amount of \$2,000,000 from account No. 406063541/90 from ISAM YOUSUF in favor of Sixteen Plus Corporation, St. Thomas, Tel.: 809 775 5646 (account No. 058 00039411, drawn on the Bank of Nova Scotia, Sunny Isle Branch, P.O. Box 773, St. Croix, US).
    - a copy of a transfer order dated March 11, 2002 in an amount of \$25,000 (USD) from account No. 40606354190 from Island Appliances in favor of ISAM YOUSUF residing on Garden Street, Amman, Jordan (account No. 0250317114200 drawn on the Cairo Amman Bank (Jordan), swift code: CAAB JO AM).
    - a copy of a cancelled transfer order dated 10/07/1998 from ISAM Yousuf in favor of AYED YOUSEF (amount: \$300,000 (USD)).
    - various documents (statement of account information, information about accounts No. 6020186, 0107026 and 6021266 and various correspondence).
    - handwritten correspondence from Alexandre GUMBS dated July 22, 1996 regarding accounts No. 60 63877, 60 63541, 63878 and 60 63830.
- Note that this account was not used very extensively and was closed on March 22, 2002.

- **Dollar account No. 60635419040** was opened in the name of YOUSUF Isam (trade name: Island Appliances) on February 13, 1995:  
The attached documents were:
  - ID card No. 31570 issued by Sint Maarten on September 27, 1999 in the name of YOUSUF Isam Mohamad.
  - a U.S. passport issued on September 11, 1986 in the name of YOUSUF Isam Mohamad.
  - Account statements mentioning several large cash transfers:
    - \*this account was credited \$8,782,962 (USD) on 04/19/2002.
    - \*this account was debited \$8,859,094 (USD) on 04/19/2002.
  - Various documents relating to term account No. 40 60 63541 91 held by YOUSUF ISSA ISLAND APPLIANCE,

I note that these were in Isam's name but were used as tradename accounts—and thus must be part of the response.

As to Manal, she refers to he brother keeping her funds in various places:

[In interrogatory 3] During the course of my lifetime I was given money by my father for my benefit for investment purposes. These funds were **managed for me by my brother**, Isam.

and

[In interrogatory 4] The money which I loaned to Sixteen Plus Corporation was transferred on my behalf by my brother Isam, **who had control and management authority** of my money

and

[In interrogatory 5] The money was transferred from an **account** managed by my brother Isam.

and

[In Req to Admit 8] Assets given to Manal Yousef by her father were maintained in a **fund** managed by Manal's brother.

Comment: She refers to management, accounts and a fund. As we discussed in the conference, Isam has stated that all of her money was kept in his business account. We want to be certain that all of these references above are to one or more of the **Island Appliance** business account(s). Please amend to clarify her responses, as we are trying to ascertain that there were no other investment accounts, banking accounts or "funds".

Thank you,



Carl J. Hartmann III