

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

**HISHAM HAMED, individually, and
derivatively, on behalf of SIXTEEN PLUS
CORPORATION,**

Plaintiff,

v.

**FATHI YUSUF, ISAM YOUSUF and
JAMIL YOUSEF**

Defendants,

and

SIXTEEN PLUS CORPORATION,

a nominal Defendant.

Case No.: SX-2016-CV-00650

**DERIVATIVE SHAREHOLDER
SUIT, ACTION FOR DAMAGES
AND CICO RELIEF**

JURY TRIAL DEMANDED

**PLAINTIFF HISHAM HAMED'S
FIRST MOTION TO COMPEL—
AS TO BANK ACCOUNT DOCUMENTS IN THE CONTROL OF ISAM YOUSUF**

COMES NOW the plaintiff, Hisham Hamed, through undersigned counsel, and moves the Court, pursuant to Rules 26, 34 and 37, to compel Defendant, Isam Yousuf, to provide his banking records for 1990-1997—or, in the alternative, to provide a letter to opposing counsel allowing counsel to obtain them and bear the expense of doing so,

Mr. Yousuf is an American citizen and the records at issue are his own banking statements concerning two accounts on the island of St. Martin (French) central to this action.¹ In fact, the funds in one of these accounts were used to make the alleged loan at

¹ Isam Yousuf has stated that he was the shareholder and manager of a small furniture and appliance seller on Sint Maarten (Dutch). He appears to be a sole proprietor. He has not alleged or provided documentation that it was a true corporation—and he has refused

issue here. Isam contends the funds were deposited by his father; Hamed contends they were deposited by the Hameds and Fathi Yusuf. Because Isam repeatedly references these accounts and relies on assertions about these bank accounts in his responsive papers and discovery responses, the account descriptions and statements should have been provided pursuant to his initial Rule 26 disclosure responsibilities. When they were not, they were requested in perhaps the most routine of requests for production. Again, this was a standard, vanilla request for standard, vanilla bank statements of a defendant.

The initial RFPD and subsequent requests were denied in Isam Yousuf's Responses to RFPD from Attorney Hymes dated August 16, 2017.

Document Request No. 1:

All monthly account statements for any checking, savings, investment, brokerage account titled to you in your name from 1990 through 1997.

Response: None.

Document Request No. 14:

Please provide documents reflecting the source of all funds used to make the wire transfer that was sent on or about February 19, 1997, as noted on page 6 of **Exhibit 4** as well as **Exhibit 5** that are attached .

Response: None.

Document Request No. 17:

Please provide documents showing the transfer of any funds by Mana! Mohammad Yousef to you or BFC Island Appliance that were included in either of the wire transfers that were sent on or about February 19, 1997 and September 4, 1997, on noted on page 6 of **Exhibit 4** as well as **Exhibits 5** and 6 that are attached .

Response: None.

Interrogatory 4:

Please list all financial accounts you have, that are fully or partially in your name¹ in any corporation¹ partnership or business association in which you

to provide information about ownership or structure in the same November 7, 2022 Hymes letter discussed herein. **Exhibit 2.** As will be shown below, these were not entity accounts. They were opened by Isam using his own personal information, are titled in his name and merely show "Island Appliances" as a trade name on a personal account.

own more than 5% interest, or as to which you are a beneficiary from January 11 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.

The last response is particularly uninformative. Other documents (provided to Attorney Hymes as part of these negotiations to get the documents) show Isam Yousuf had many more accounts which he did not disclose. He had at least two additional accounts at BFC opened in 1995. It is also clear he had a major account in Jordan that transferred millions of dollars and Euros. Therefore, Hamed's counsel met with Attorney Hymes in a Rule 37 conference to identify bank accounts and obtain the production of bank account documents regarding a very narrow time period. That conference was followed with a confirming letter to Attorney Hymes addressing these issues at pages 3 and 4 of **Exhibit 1**.

e. Interrog 4: I noted that he did not list all accounts in his name and gave you the reference to several. I also asked for all foreign bank accounts during the period 1995- 2000. I also noted that there was inadequate detail for those already described. You said you would check with your client. Again, I expect an amendment.

and

h. Doc Req 1 (and Doc Req 14):

Document Request No. 1:

All monthly account statements for any checking, savings, investment, brokerage account titled to you in your name from 1990 through 1997.

Response:

None.

Isam was asked and responded as follows:

You stated that he had none. I stated that he has an obligation to obtain documents within his control, or in the alternative to provide access. Thus, I asked for two letters: (1) to BFC releasing his banking records related to this case, i.e., for the time period 1995-2000, and (2) to the STM prosecutor for records related to the Criminal Procedure numbered—which I had previously described to you in my letter of 10/16/22 as follows:You said, finally, that you would check with Isam and get back to me as to whether he would assist by supplying access. I noted that it was his duty to obtain records in accounts under his control, not mine, but that if he gave me the letters I would undertake to do so—which I will at our cost.

In addition, Hamed's counsel then identified missing account numbers he had been able to locate, and provided other salient information in an effort to work out descriptions and access.

On November 7, 2022, Attorney Hymes responded by refusing any disclosure or cooperation. **Exhibit 2.** Hymes stated: "Access to the financial records of Island Appliances and my clients will not be granted." In addition he refused to even identify such foreign accounts during held by Isam that period: "You have asked for a description of all foreign bank accounts in his name during the period 1995 2000. Once again, this is irrelevant to any issue related to this case and will not be provided."

I. Introduction

The central factual issue in this series of cases is starkly black and white: Did Manal Yousuf's father deposit \$4.5 million into Isam Yousuf's *Banque Francaise Commerciale* ("BFC") account over a lengthy period, or was the money in that account simply skimmed funds put there over a very short time by Fathi Yusuf, Wally Hamed and Isam Yousuf? In other words, were Manal's funds loaned to Sixteen Plus to buy the subject land? Or was it Hamed/Yusuf's funds being deposited and transferred to Sixteen Plus to buy the land? If these were not Manal's funds, there was "fraud, coercion or other nefarious inducement into the [mortgage] contract." *Celestin v. LLP Mortg., Ltd.*, No. 2007-014, 2007 V.I. Supreme LEXIS 6, at *5 (Nov. 9, 2007).

Hamed contends that the funds transmitted by Isam Yousuf were laundered monies belonging solely to Mohammad Hamed and Fathi Yusuf—Isam Yousuf states that they were funds his father deposited over a long period as a gift to Manal Yousuf. This would be simple to discern if these records had been produced. The accounts will show no funds in 1995-1996, and then sudden deposits in large amounts indicative of laundering—and matching the other three accounts on St. Martin used by Isam in an identical manner. These deposits will continue after the father died in March of 1997, as there was a \$2 million transfer in September 1997. There are known facts about the account in question that strongly infer that these funds were skimmed in the USVI, moved to St. Martin and added just a few months (June 1996 to January 1997) before the first transfer by Isam to the Sixteen Plus account at ScotiaBank:

1. As shown below in great detail, the French Banking Commission and police were able to track "10 consecutive deposits" into the subject account totaling

- \$1.5 million just days before the \$2 million transfer at issue—deposits made by Isam to himself in cash.²
2. Isam already had personal and business accounts at BFC going back to the late 80's – the target accounts were created specially in 1995 (at the same time the Wally Hamed, Fathi Yusuf and Hamden Diamond accounts were created for money laundering.)
 3. On one day, more than \$8 million flowed into an out of one of these accounts.
Exhibit 4.

Thus, Hamed believes that the account statements and documents will show these facts:

1. There was little or no money in the subject account before the skimming deposits started in June 1996. Thus, there are no historical deposits from Manal's father.
2. The deposits from June to January were large and quick, and were in the identical pattern as to the other laundering accounts Isam oversaw.³
3. The amounts used for the transfer to Sixteen Plus were deposited immediately before the transfer, by Isam, in large chunks of cash—not by his father, and not over many years.

II. Applicable Rules - V.I. R. CIV. P. 26(a)(1)(iii) and 37(a)(1)

RULE 26

(a) Required Disclosures.

(1) *Initial Disclosure.*

(A) *In General.* Except as exempted by Rule 26(a)(1)(B) or as otherwise stipulated or ordered by the court, a party must, without awaiting a discovery request, provide to the other parties:

- (i) the name and, if known, the address and telephone number of each individual likely to have discoverable information — along with the subjects of that information —

² By January 31, 1997, in preparation for the transfer of \$2 million from Isam's Island Appliance account, in just that one month he had "deposited, in 10 consecutive transfers" \$1.5 million in cash. This fact was later described by the French Banking Commission in its official report—which stated that this should have set off alarms about money laundering and that BFC had failed to properly report this: "At this point, at least a monitoring file should have been set up." **Exhibit 3**

³ As will be discussed below, the pivotal account from which the money was sent to Sixteen Plus would see *many* millions of dollars pass through, bound for both the USVI and the Middle East. For example, according to the French Police who subpoenaed the BFC account records, on one day, this account was credited \$8,782,962 and was then debited \$8,859,094 later in the very same day. **Exhibit 4**

that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment. (ii) a copy of all documents, electronically stored information, and tangible things that **the disclosing party has in its possession, custody, or control** and **may use to support its claims or defenses**, unless the use would be solely for impeachment, unless it would be unduly burdensome to produce a copy of an item, in which case each item must be clearly identified, along with a statement as to why each cannot readily be copied, and including a description of the location where each can be reviewed. (Emphasis added.)

Rule 34

Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes

(a) In General. A party may serve on any other party a request within the scope of Rule 26(b):

(1) to produce and permit the requesting party or its representative to inspect, copy, test, or sample the following items in **the responding party's possession, custody, or control**: (Emphasis added.)

III. Isam's Control: All Documents...that the...Party has in his..."control"

A. Facts

A great deal is known about these two accounts—from official, contemporary documents—governmental, regulatory and police investigations into their use for money laundering. As discussed below, the parties have received, from the U.S. FBI and DOJ, documents which show:

1. After 9/11, the U.S. Government asked the French Government for documents regarding the movement of large amounts to the Middle East.
2. French Banking Commission Investigated and issued Report on Money Laundering which included these accounts.
3. St, Martin Judicial Police were informed, and as a result, opened a criminal investigation.
4. As part of their investigation St, Martin Judicial Police issued a subpoena to BFC for these specific accounts, and
5. BFC provided copies of all statements and documents on these accounts,

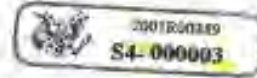
On January 23, 2002, Mary Ellen Warlow, Director, Office of International Affairs, U.S. Department of Justice, sent the French government a request for assistance in connection with an investigation conducted into Fathi, Isam, Wally, Island Appliances and Hamdan Diamond. **Exhibit 5.** They were conducting an investigation to determine “whether Fathi YUSUF and his accomplices” were trafficking U.S. currency, [and] laundering profits....” *Id.* Those individuals and companies “had opened several bank accounts with the Saint Martin branch of the *Banque Francaise Commerciale.*” The American authorities asked for many documents. *Id.* The St. Martin police opened an investigation and looked at the two Island Appliance Accounts carefully. *Id.*

Information and documents from that investigation were provided to the French Banking Commission which issued a January 11, 2002 draft report (the parties have the final of this report in French—which contains the same text.)

After the police issued a subpoena (“Requisition”) to BFC for these accounts, the bank sent the following letter confirming that the Isam Yousuf (trade named Island Appliances) account statements and accounting documents had been collected, copied and transmitted. It states, ‘In response to your request of March 13 and at our first delivery on May 02 we send you copies of the documents collected on the following files: YOUSUF ISSA-ISLAND APPLIANCE : accounts n° 60.63541 & 60.20186 Account statements, accounting documents.’”

Banque Française Commerciale
Antilles Guyane

Groupe Crédit Agricole Indosuez
Direction Générale



SRPJ ANTILLES-GUYANE
ANTENNE DE SAINT-MARTIN
BP 681 - MARIGOT
97057 SAINT-MARTIN CEDEX

Service Inspection
TÉL : 05 90 21 56 87
Fax : 05 90 21 00 08

Réf. : DNS IG/PE/14/02/61

Aff. : PV n° 2007/078/02

Abyennes, le 03 juillet 2007

Messieurs,

Pour faire suite à votre demande du 13 mars et à notre première remise du 02 mai dernier, nous vous faisons tenir les copies des documents recueillis sur les dossiers suivants :

- **YOUSUF ISSA-ISLAND APPLIANCE** : comptes n° 60.63541 & 60.20186
Relevés de compte, pièces comptables
- **YUSUF FATHI** : compte n° 60.63877
Relevés de compte, pièces comptables
- **Hamdam Diamond Corporation** : compte n° 60.63887
Ce compte dans nos livres était géré par Monsieur **YUSUF FATHI**
 - **Hamed Walced** : compte n° 60.63878
Relevés de compte, pièces comptables
- **TEJ DOOR SPECIALITY NV** : comptes n° 60.20967 - 60.63830
Relevés de compte, pièces comptables

Notre service des archives poursuit ses investigations dans ces différents dossiers. Tout complément d'information vous sera de nouveau adressé dès réception.

Vous souhaitant bonne réception,

Veillez agréer, Messieurs, l'expression de nos salutations distinguées.

A. WIANO

C. BRINDAMOUR

Groupe Crédit Agricole Indosuez

Direction générale : Groupe Crédit Agricole Indosuez - BP 12 - 97151 PÉDRER - 97111 - Tél. : 05 90 21 56 87 - Fax : 05 90 21 56 08
R.A. enregistré de N° 19 184 081 - Siège social : 80 Quai du Président Paul Doumer - 94500 LA PLAISANCE B.P. 1 PARIS 12^e LE 20070805

HAMD692936

In reporting on the matter, the police lieutenant investigating stated, **Exhibit 5**: "Our Investigations and hearings allowed us to determine that: 1/ WITH RESPECT TO THE BANK ACCOUNTS OPENED: The different bank requisitions [subpoenas] sent to the Saint Martin Branch of Banque Francaise Commerciale (BFC) allowed us to determine:

- **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,

12 Canegeter Road Pondfill, Philipsburg, 99 000 Sint Maarten drawn on the Banque Française Commerciale.

This account was closed on March 27, 2002.

- **Dollar account No. 60638779040** was opened in the name of YUSUF Fathi on June 10, 1996.

The account agents were YOUSUF Fathi and HAMED Waleed.

This account was closed on September 4, 2000.

- **Dollar account No. 60638789040** was opened in the name of HAMED Waleed on June 10, 1996.

The attached documents were:

-a copy of passport No. 043576417 issued on September 8, 1992 in the name of HAMED Waleed Mohammad born on January 22, 1962 in Jordan, an American national.

-a copy of the signature card indicating that the agents for this account were HAMED Waleed and YOUSUF Fathi.

- statements (Exhibit 9) for account No. 40606387890 held by HAMED Waleed.

This account was credited with several cash deposits.

- **Dollar account No. 60638879040** was opened in the name of Hamdam Diamond Corporation on June 26, 1996. (Exhibit 8).

The attached documents were:

-a copy of the signature card indicating that the agents for this account were YOUSUF Fathi, HAMED Waleed and ISAM Mohamad, Yousuf. The manager of Hamdam Diamond Corporation was Fathi Yusuf MOHAMAD YUSUF.

-a copy of U.S. passport No. 043377662 issued on February 10, 1992 in Miami in the name of Fathi Yusuf MOHAMAD YUSUF.

-five documents relating to contracts between the BFC bank and YUSUF FATHI, the off-shore company HAMDAM DIAMOND CORPORATION, HAMED WALEED (manager of the Plaza Extra Supermarket) and the Dutch company TED DOOR SPECIALITY.

-a copy of the U.S. passports for MOHAMAD YUSUF Fathi Yusuf born on April 15, 1941 in Jordan, HAMED WALEED MOHAMMAD born on January 22, 1962 in Jordan, and ISAM MOHAMAD YOUSUF born on February 20, 1952 in Jordan.

-various correspondence (correspondence from HWANG Antoine addressed to Mr. FAURE (BFC General Inspection Department) dated August 24, 2000 stating that he had been asked by client Walled HAMED personally (40606387890) and on behalf of Hamdam Diamond Corporation (40 606388790) to transfer respectively US\$1,100.00 (*sic*) and US\$1,173,000 to Cairo Amman Bank in Amman, Jordan (a copy of three cheques payable to Walled Hamed drawn on the Banque Française Commerciale, held by Hamdam Diamond Corporation, YUSUF FATHI

and Hamed Waleed. These cheques dated August 11, 1996 are for amounts of US\$2,000,000, US\$400,000 and US\$400,000 respectively).

-a handwritten note by Mr. GUMBS commenting on the opening of the account.

-a copy of the statements for account No. 40 60 63887 90 with the Banque Française Commerciale held by Hamdam Diamond Corporation, 12 Cannegieter Road, Sint Maarten c/o ISAM YOUSUF for the period from June 26, 1996 to April 19, 2002.

Several cash deposits were credited to this account.

This account was closed on February 5, 2002.

All of these Fathi, Wally, Isam, and Hamdan Diamond laundering accounts had Isam's address, and statements were sent to Island Appliances "c/o Isam Yousuf." Hamed also contends that when Fathi Yusuf received these reports on the French activities (translated into English) he drew up a 4-page, handwritten analysis keyed to those reports individually. He then attached several documents of the French analysis to his handwritten notes (with each French document labeled A through E) and presented them all to Wally Hamed as (1) being an accurate accounting of what they had done, and (2) demanding that the French reports somehow showed that the Hamed had received more than the Yusufs over the years—and thus, the Hameds owed him money. (Lengthy exhibit will be supplied on request.)

IV. The Law of "Control"

The legal predicated for such a document request are met. It has been shown that the subject documents existed as described, that they were collected pursuant to a lawful subpoena, and that a set of the copies was transmitted by a bank to the police and prosecutor. Thus, three entities may have a set. Thus, the only question remaining is whether these documents are in Isam's control. The caselaw on this is uniform. See, e.g. *Shorter v. Baca*, No. CV 12-7337-JVS (AGR), 2013 U.S. Dist. LEXIS 199847, at *7-8 (C.D. Cal. Nov. 1, 2013)

Shorter objects that at least some documents are not within her possession but are in the possession of St. Francis Medical Center, LA-USC County Medical Center, Centinela Hospital or Cedars Sinai Medical Center. Rule 34 allows a party to request documents that are "in the responding party's possession, custody, or control." Fed. R. Civ. P. 34(a)(1). **"Control is defined as the legal right to obtain documents upon demand."** *United States v. Int'l Union of Petroleum and Indus. Workers*, 870 F.2d 1450, 1452 (9th Cir. 1989); *Hill v. Eddie Bauer*, 242 F.R.D. 556, 560 (C.D. Cal. 2007). **Shorter does not deny that she has the legal right to obtain her medical records from her providers upon demand. Shorter must obtain the responsive documents from her health providers or provide Defendants' counsel with written consent to disclosure** of her medical records to Defendants by her health providers in the form required by Defendants and her health care providers. (Emphasis supplied.)

This is black letter law. See *Holczer v. A.O. Smith Corp.* (In re Asbestos Prods. Liab. Litig.), No. 875, 2021 U.S. Dist. LEXIS 202879, at *20-21 (E.D. Pa. Oct. 21, 2021) ("Documents are deemed to be within the party's 'possession, custody or control' if the party has actual possession, custody or control, or has the legal right to obtain the documents on demand. . . . Specifically, **control is defined as 'the legal right, authority, or ability to obtain upon demand documents in the possession of another.'**" *Dixon v. Williams*, 2016 U.S. Dist. LEXIS 18829, 2016 WL 631356, at *3 (M.D. Pa. Feb 17, 2016) (quoting *In re Bankers Trust Co.*, 61 F.3d 465, 469 (6th Cir. 1995); *Florentia Contracting Corp. v. Resolution Trust Corp.*, No. 92 CV 1188, 1993 U.S. Dist. LEXIS 5275, 1993 WL 127187, at *3 (S.D.N.Y. Apr. 22, 1993)(Emphasis added).

Medical and bank records are the quintessential documents within the control of an individual. They are foremost of all personal records subject to one's "ability to obtain upon demand documents in the possession of another." This most frequently arises in a motion to compel where the court invariably orders either the disclosure or, as above, the mandate to "provide Defendants' counsel with written consent to disclosure." See *Hicks*

v. Bahadori, No. 2:19-cv-05360-MWF (SK), 2020 U.S. Dist. LEXIS 135909, at *3 (C.D. Cal. Mar. 23, 2020).

all documents—including those in Defendants' past and present financial institutions—that reflect the amounts Plaintiff wired to Defendants on or about October 23, 2017, July 20, 2018, and October 3, 2018, and show how those wired amounts were spent (or are currently kept) by Defendants, are both relevant and proportional. **Defendants are therefore ordered to produce, to the extent not already done, all such documents in their possession, custody, or control reflecting Defendants' available accounting of the receipt and expenditure of the wired funds.** For instance, if the funds were used to place sport bets, Defendants must produce any documents they have reflecting those transactions. (Emphasis added.)

V. Conclusion

There is no doubt that the request for these documents was highly relevant, extremely focused and proportional—and that the document lie within the control of Isam Yousuf. Hamed has retained local counsel on St. Martin and will bear the costs of locating, obtaining and duplicating the documents from the bank, the police and the prosecutor. Hamed asks the Court for an order directing Isam Yousuf to provide a letter and to inform the bank, prosecutor and police of the necessity for these documents before this Court. A proposed order is attached.

Dated: November 8, 2022



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Joel H. Holt, Esq.
Counsel for Plaintiffs
Law Offices of Joel H. Holt

CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page or word limitation set forth in Rule 6-1(e) and that on this 8th day of November, 2022, I served a copy of the foregoing by email, via the Court's E-Filing process, on:

Charlotte Perrell, Esq.

Stefan Herpel, Esq.

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CERTIFICATE OF COMPLIANCE WITH RULE 37(a)(1)

I hereby certify that I made the required efforts in good faith to confer with counsel for Isam Yousuf in order to obtain the foregoing requested information.

Dated: November 8, 2022



**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

**HISHAM HAMED, individually, and
derivatively, on behalf of SIXTEEN PLUS
CORPORATION,**

Plaintiff,

v.

**FATHI YUSUF, ISAM YOUSUF and
JAMIL YOUSEF**

Defendants,

and

SIXTEEN PLUS CORPORATION,

a nominal Defendant.

Case No.: 2016-SX-CV-650

**DERIVATIVE SHAREHOLDER
SUIT, ACTION FOR DAMAGES
AND CICO RELIEF**

JURY TRIAL DEMANDED

ORDER

THIS MATTER having come before the Court on the motion of plaintiff pursuant to Rules 37 and 26, and the Court being informed in its premises, it is hereby:

ORDERED, that Isam Yousuf will provide a letter addressed to the St. Martin police authority, the St. Martin prosecutor's office and to the *Banque Francaise Commerciale* that will state his permission for Attorneys Holt and Hartmann to view and copy all records of the accounts of Isam Yousuf and Island Appliances for the period from 1990 through the end of 1997 and will attach this order thereto. Hamed will bear the cost of such collection and duplication.

Dated: _____, 2022

ATTEST: TAMARA CHARLES,
Clerk of the Court

By: Court Clerk Supervisor

Douglas A. Brady
Judge of the Superior Court



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ADMITTED: USVI & DC

October 20, 2022

Email Only

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

RE: Confirmation re Rule 37 Conference in 650/65/342 as to Isam

Jim:

This will confirm my understanding of the discussion and the deliverables from the Rule 37 conference between 10 a.m. and 11:15 a.m. on Thursday, October 20, 2022. The two of us were present, and I had supplied you with the two documents appended: (1) an annotated letter to you with items for discussion numbered starting with 1 (Exhibit 1), and (2) a set of all of the Isam discovery responses with specific items for discussion highlighted (Exhibit 2). As the second document caused some confusion, I did not send you the third document—a similar collection of all of Manal's discovery responses with items for discussion highlighted. I did, however, go through it with you—with you using your copies. Finally, I agreed to send you my prior letter of 10/16/22 in which I listed bank accounts and addresses that Isam both failed to disclose and describe. (I did so today at 11:30 a.m.)

A. Points raised in letter (by large, red numbers)

Item 1: You agreed to check your records and supply us with a written confirmation that you had no communications with Manal prior to your filing the Foreclosure action for her.

Item 2. You agreed to file sealed copies of the full contents and covers of Isam and Manal's current and former passports with the Court.

Item 3: Referring to items we would cover in specific discovery responses, I stated that we wanted to understand the nature of Isam's retention of funds for Manal leading up to the two \$2 million transfers from Isam's (tradename Island Appliance) account. I noted that in responses it was said that it was in a "fund", being "managed" by Isam, and that it was all "in the Island Appliances account." You agreed (see below) that you would consult with your clients and get the correct information: i.e., was there ever a separate "fund" or "account" or was it in the Island Appliances account?

Item 4: I raised the issue of Manal having other accounts from 1995-present into which funds may have gone. You stated there were none. Later in the discussion (below) I showed you a bank card for another account. You said you would talk with your client and determine if she had other accounts in Ramallah or STM and respond accordingly.

Item 5: Contained in 4.

Item 6: I discussed the fact that we did not receive responses as to the cash transactions “in” to her from Isam, or “out” from her in spending or obtaining assets. This was discussed below in detail.

Item 7: We asked for certification that she had used reasonable steps to get her agent, Isam, to obtain and supply the bank records and any other records related to his acting as her agent. You stated you would get back to me on this.

Item 8: We asked for her present address, and if it was not a place with valid physical addresses, that it be described by route and physical appearance. You asked why I would want that. I responded that (1) it is a standard discovery inquiry of a party, and (2) I intend to have or may have process served on her locally. You said you would provide this.

Item 9: I asked whether she had paid and would produce tax filings in her home jurisdiction for 1998, 1999 and 2000. You said you would speak to your client and respond.

Item 10: Discussed under item 6.

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.

B. Points raised in Isam’s Responses (highlighted)

a. Req. to Admit 5: I noted again that Isam refers to the fact that Manal’s funds used to transfer \$4 million to Sixteen Plus were “entrusted to [him] to manage” but that it was unclear when, how and where this management happened—what account(s) were the funds in, how much and when, and was there ever a separate account or fund. We dealt with it below.

b. Req. to Admit 15: Isam denied that “that the funds documented on page 6 of Exhibit 2, as well as Exhibits 3 and 4 attached, transferred to the Sixteen Plus account at the Bank of Nova Scotia had never been in any account titled for the benefit or trust of Manal Yousef.” I pointed out that he stated elsewhere that *they were always in his account trade named Island Appliance, and thus, had never been in any accounted titled to her or as to which she was a beneficiary*. You stated I was correct and that after checking this, you would amend,

c. Interrog 1: Relates to all of his addresses. I noted that the letter I have supplied to you listed other addresses he has given and stated that we want all addresses, real or false that he has had/used—and that this includes address given to foreign banks. You said you would check with your client. Again, I expect an amendment of the response.

d. Interrog 2: I noted that he had not given his amount of pay or percentage of stock holdings for Island Appliance. Your response was unclear, but I expect an amendment.

e. Interrog 4: I noted that he did not list all accounts in his name and gave you the reference to several. I also asked for all foreign bank accounts during the period 1995-2000. I also noted that there was inadequate detail for those already described. You said you would check with your client. Again, I expect an amendment.

f. Interrog 6. Manal's address. I was unclear as to your response. But I again stated that we wanted it produced.

g. Interrog 9b. Isam was asked "How you and/or BFC Island Appliance obtained the \$2,000,000 to transfer to Sixteen Plus on or about February 19, 1997." I noted that the French Banking Commission listed 10 consecutive deposits totaling \$1.5 million in January 1997—just before the transfer of \$2 million. We want to know where those deposits came from, and (covered in another request below) what the average monthly balances were from April 1996 through September 1997—whether or not he has documents or exact recollection. Again, your response was unclear, so I clarified that I want to know approximate amounts if not exact amounts. For example, was there more than \$1 million in that account prior to January of 1996? And approximately how did that amount vary from April 1996 through September 1997? Again, the response was unclear.

h. Doc Req 1 (and Doc Req 14): Isam was asked and responded as follows:

Document Request No. 1:

All monthly account statements for any checking, savings, investment, brokerage account titled to you in your name from 1990 through 1997.

Response:

None.

You stated that he had none. I stated that he has an obligation to obtain documents within his control, or in the alternative to provide access. Thus, I asked for two letters: (1) to BFC releasing his banking records related to this case, i.e., for the time period 1995-2000, and (2) to the STM prosecutor for records related to the Criminal Procedure numbered—which I had previously described to you in my letter of 10/16/22 as follows:

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.

You said that this was close to my threatening your clients with criminal matters “again.” I noted that: (1) this was a criminal procedure, long over, in STM where documents were subpoenaed from BFC for Isam’s accounts, and as such I was not referring to any present criminal action, (2) your client had obtained full transactional immunity for all act prior to 2010 in the criminal Plea Agreement, and (3) in any case, it was my understanding that all applicable STM limitations period had run for pre-2010 acts. We further discussed my inquiry into present Fathi’s 5th Amendment assertion and my right to inquire into your client’s factual position on the underlying facts regarding any beliefs or knowledge she has regarding her intent to asset the same defense. I noted (again) that we will not seek and would strongly resist any present prosecutions because of the delay and further obfuscation it would engender. You said, finally, that you would check with Isam and get back to me as to whether he would assist by supplying access. I noted that it was his duty to obtain records in accounts under his control, not mine, but that if he gave me the letters I would undertake to do so—which I will at our cost.

i Doc Req 11: Passports. (Covered above.)

j. Doc Req 14: Covered in “h” as to Doc Req 1, above,

k. Interrog 22 e, f, & g): Isam was asked for a factual answer—not documents, as to the following:

E. What was the average monthly balance in this account from 1995 through 2001?

F. Describe in detail whether this was a normal operating account for Island Appliance, or whether it was segregated from the normal operations for the benefit of Manal or otherwise.

G. Describe in detail any writings, documents or other evidence that shows or infers that the \$2 million being transferred was related in any way to Manal.

H. Describe taxation documents that show the local tax payments on the gift or income that was the source of this \$2 million?

I told you that we wanted E – that it is the crux of this action. As I said above, whether he has documents or exact memories, he will know within orders of magnitude what the average monthly balances were in the Islands Appliance tradename account and his personal accounts and accounts at foreign banks from 1995 through 2000. I asked: Did he have over \$1 million in any account prior to 1996? Did he have over \$1 million in any month in that account in 1996 and 1997? If so, approximately how much? The French Banking Commission notes 10 consecutive deposits in January 1997, days before the \$2 million transfer. Did he have \$ 4 million in that account on January 1, 1997 – as that is the amount transferred in the next 9 months. He must “approximate, give ranges, or otherwise respond within orders of magnitude.” The same is true of F. I

noted he can also respond to this, Also, as to “A”, I asked that Isam detail his father’s “access” to the account—particularly whether he was a signatory or beneficiary or have any legal right or claim in it. I believe, but my notes aren’t clear, that you said you would check with Isam and get back to me. I expect detailed, monthly supplementation.

l. Doc Req 23: Taxes filed for Manal. You said his answer was and is “none.”

m. Req Admit 27: I requested a statement of where and how the cash was kept. You said this request does not elicit that.

C. Points raised in Manal’s Responses (highlighted)

n. Req to Admit 6: You agreed this should be “Admit” as it was never in her name.

6. ADMIT that over the course of your lifetime that you personally, never had more than one million dollars in assets in any personal savings account, checking account, investment account or brokerage account that was in your name as of February 13, 1997.

RESPONSE:

Deny. Assets given to Manal Yousef by her father were maintained in a fund managed by Manal’s brother.

o. Doc Req 9: You agreed to supplement this, as I had shown you the bank card for at least one personal card (discussed above.)

Document Request No. 9: All monthly account statements for any checking, savings, investment, brokerage account titled to you in your name from 1990 through 1997.

Response:

None.

p. Doc Req 24: Passports. Covered above.

q. Interrog 1: Her address. Covered above.

r. Interrog 3 and 4: “funds managed” by Isam. Covered above.

s. Interrog 9: All of her bank records. Covered above.

t. Interrog 19: Her taxes. Covered above.

u. Interrog 20. She must, as discussed above, provide as much information and transaction timing, amounts, uses, etc. for both funds given to her in cash by Isam, and for amounts spent (including assets) for outgoing funds. Again, “perfect recollection or documentary proof is not [necessary]” she can supply best recollections,

approximations, routine activities (i.e., how Isam got funds to her and in what general amounts) and where and how she spent it in general amounts.) I note these must both add up to approximation for \$1,080,000 (3 x \$360k).

Your response was unclear. At one point I thought we had reached an understanding that this was proper discovery and there would be a response. But that was unclear as we went on. I thought you said you would inquire and get back, but again—it became a bit garbled. In any case, we will expect substantial amendments on this from both Manal and Isam. The best they can do with transactions in and out adding up to \$1,08 million.

A. In what form the payments were made

RESPONSE:

Cash.

B. Where those funds were initially deposited.

RESPONSE:

They were not deposited.

C. If you have by the date of your response here, received some or all of those

funds, where they are or if spent or otherwise devised, what you spent them

on or where they went.

RESPONSE:

My brother gave me cash from time to time as I needed it.

D. If you have not yet received those funds, where they are now.

RESPONSE:

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

If your recollection varies from mine, please inform me with specificity—provide your recollections as opposed to a blanket “this was a misstatement.” Please don’t let misunderstanding build up until motions practice—as you know, now is the time to work these items out. I expect that this letter and your response to it will be part of the motion(s) to compel we will be filing. The extent of the motion(s) will depend to a large extent to your “talking with your client(s),” “getting back to me,” and supplementations.

Thank you for your time with regard to the conference.

Thank you,

A handwritten signature in blue ink that reads "Carl J. Hartmann III". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Carl J. Hartmann III

CARL J. HARTMANN III
ATTORNEY-AT-LAW
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EMAIL
CARL@CARLHARTMANN.COM

ADMITTED: USVI & DC

October 12, 2022

Email Only

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

RE: Request for Rule 37 Conference in 650/65/342 (3rd letter)

Attorney Hymes:

There seems to be some issue with discovery practice. Hamed has requested Rule 37 conferences several times, but we have not been able to obtain a date and time from you. This has now gone on for over one month. Therefore I will recap my requests that we have such a conference and ask that it occur *before Manal's deposition*. To assist, I have noted deliverables (a)-(h) below, in bold, with highlighting, and in a summary exhibit.

A. Your agreement with Joel Holt per his prior confirming letter

On August 1, 2017, Joel Holt wrote to you confirming the results of the Rule 37 conference between the parties. Exhibit A. In that conference you agreed to produce a number of items. On August 10, 2022, I sent you an email in which I enquired: "Attached is a letter confirming the results of the Rule 37 conference. Have the listed items been completed? Please advise." Exhibit B. On August 16, 2022, I sent you a second, follow-up email--again requesting your compliance with that agreement. Exhibit C ("Per the email below and the attached, please supply the following – particularly items 1, 3, 4 and 5.")

~~(1) the power of attorney from Manal Yousef to Jamil Yousuf as well as
(2) the notarized signature page of the interrogatory answers.~~

1 (3) confirm in writing that your only communications have been with Jamil Yousuf, not Manal Yousef.

2 (4) Regarding Manal's passports, you are obtaining copies as promptly as you can, which you will then file under seal with the Court, notifying me when you do.

(5) As for interrogatory 9, you will amend to say that Manal has no documents that have any of the requested information.

Thus, we need a Rule 37 conference as to the following topics: **(a)** You have not filed the passport(s).¹ **(b)** If you have provided the written confirmation described in Item 3, I cannot locate it. Please, either direct my attention to the response, or provide that confirmation. Also, you have stated that you have previously provided Item 1, the POA from Manal to Jamil—but, **(c)** I would ask that you direct me to the response or re-send it, as I have clearly misplaced it.

B. Prior Requests for Rule 37 conference as to Manal

On September 20, 2022, I sent you a request for a Rule 37 conference regarding Manal. Exhibit D. You have twice asked whether your subsequent discovery responses clarified or obviated all of this request. In each case I have responded in the negative and asked for your availability. In that request I asked for the following:

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 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.” (Emphasis added.)

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 her response is “I was a

¹ She has stated that passports have been produced—but while it is true that Hamed has some copies of parts of her prior passports attached to other documents, these are NOT full copies of her passports. All passports that she presently possesses should be *fully* copied including covers and endorsements, and full copies of any prior passports s should also be fully copied. Those copies should be filed with the Court as you previously agreed, or they should be provided to Hamed with a statement that no others exist. This request seeks both information and to effect estoppel. Hamed wishes to be certain that she has no passport from other jurisdictions such as Sint Maarten, France, Jordan, Israel, or other countries. He also wishes to see any stamps that would reflect when and where she has traveled. She is seeking the equivalent of at least \$30 million dollars. She must fully comply with such basic discovery at that level of seriousness.

beneficiary of accounts held by ISAM and had none of my own, then she must make reasonable inquiry of Isam to get them.

Thus, in the Rule 37 conference we expect her to answer as to any accounts that are/were in her name or as to which she is/was a beneficiary. We have been around this on several occasions with Isam and her in different requests. At times the two of them state that all of the money involved here was in *Isam's accounts*. That does not appear to be accurate, they seem to have been in Island Appliances account at some time as to the \$4 million transferred—were they ever in any other accounts or funds held by Isam or others?. At other times, they state Isam *managed a fund for her* but there is no description or evidence of a separate “fund.” Again, were they ever in any other account or fund other than the Island Appliances account—both she and Isam should respond on this. In either case, both answers are simultaneously inaccurate and unresponsive because what are alleged to be Manal’s assets were clearly in *Island Appliances’ account*--and Hamed has asked about (d) all of her accounts or accounts where she was a beneficiary. She has also stated that she has received and spent all the cash from three interest payments of \$360k each (doled out as she needed it by Isam). This is a fantastic claim—but is also unresponsive. We assume that she had (and has) or been the beneficiary of regular banking accounts or other types of accounts into which she has deposited and withdrawn funds then and now—whether they are in her name, her partner’s name or some other name—and whether they were on STM or where she resides now.² What we wish to have described are the transactions that reflect her getting, storing, moving and using over \$1 million in interest.

We want her (e) to provide certification that she has used all reasonable steps to get both information about the accounts/funds and the account documents from Isam—as he was either her agent or her fiduciary for both the \$4 million and the \$1 million. She should have him interviewed in detail by counsel and collect any information, recollections he has and documents. She and Isam have described these amounts as being in a “fund” he managed for her, or in “accounts” managed by him.

Interrogatory 19:

Interrogatory 19:

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

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:

² We have also asked for her present address. Please provide that street address--the actual residential address where she sleeps at night--where a process server could serve her. If there is not a number and street, then a set of physical directions and a description of the physical residence.

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.

and

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?

9

(f) We now understand that neither she nor Isam paid USVI or FIRPTA taxes on VI source income. Did either pay income tax on interest income for the over \$1 million in such income in their *home* taxing jurisdiction(s)? If Manal and/or Isam received \$360k in 1998, did either file tax returns in STM and/or Ramallah in that year, and did either declare this as interest income? Same for 1999 and 2000. They have both been asked for both the tax filings themselves and for a response to these questions. Saying that she did not know she owed taxes here, that Isam never personally “received income”, or that Manal will pay taxes here *if she loses this case* is unresponsive as to whether anyone ever paid any taxes on this money anywhere. There is an alleged \$1 million dollars in interest income for which there is no trace and for which it is unclear if anyone ever paid any tax anywhere.

10

(g) Moreover, as to the \$1 million dollars in alleged income since 1998. She has now said that she has spent it all. She needs to give a detailed recounting on the when, where, how and what of this—and any assets she purchased. This means that she must write out the various amounts, dates and uses for a million dollars. If she cannot recall the exact dates and amounts, she must give her best approximations. Moreover, if she never deposited a cent, she still received, held, and used these smaller payments. How was it done, what was the mechanism or mechanisms. Of particular interest is the fact that she returned to the West Bank. Was all \$1 million provided in parts before she left STM? If not, how did Isam get it to her over there?

C, Prior Requests for Rule 37 conference as to Isam/Jamil

On September 18, 2022, I first requested a Rule 37 conference as to the responses regarding BFC Appliance. Exhibit E. Based in the September 30, 2022 responses from Isam, I realized that you were limiting the responses based on the fact that I had

11

referred to Island Appliance as BFC Island Appliance—and suggested that we could avoid the Rule 37 issues if you agreed to a pro forma amendment/correction to remove BFC from all references to Island Appliances. See September 30, 2022 email, Exhibit F. I noted that Isam clearly understood what Island Appliance was being referred to—but that we still needed the Rule 37 conference if you did not agree.

On October 3, 2022, you responded to say that you would discuss this issue with your client: “I will need to confer with my client to determine if a rule 37 conference is necessary as outlined in your September 30, 2022 email. I will get back to you as soon as practical.” Exhibit G. As I did not hear back from you, I sent a third request—a more formal letter of October 8, 2022:

I believe all responses from your clients to date have been about the correct entity—but need to confirm that you have (and will) treat the discovery requests as being about the identified “Island Appliances”—or, alternatively, will require me to seek relief from the Court to amend/correct.

Since then, I have heard from [you], on October 3rd:

I will need to confer with my client to determine if a rule 37 conference is necessary as outlined in your September 30, 2022 email. I will get back to you as soon as practical.

Because of the short scheduling order and the upcoming deposition, I would appreciate receiving your responses so that I can approach the Court if you do not concur. To that end I provide the following information that I would put before the Court to assist in your reflection on the matter.

1. The error occurred because of the pick-up of the name from FBI/DOJ documents

At the early stage of the case, and in our understanding, we referred to Island Appliances as it appeared in the central document we were using: DOJ/FBI Draft Report dated December 28, 2004, where the transactions are described as follows:

SIXTEEN PLUS CORPORATION						
Bank of Nova Scotia						
Acct. 39411						
BANK DATE	DEPOSIT AMOUNT	DEPOSIT SOURCE	DEBIT AMOUNT	PAYEE	CHECK NUMBER	REMARKS
2/10/97	3,000.00	Currency				acct. opened - 60/\$50
2/19/97	2,000,000.00	Isam Yousef		<i>B-2 St. Martin</i>		wire trans // BFC Island Appliance acct
8/15/97			1,800,000.00	The Bank of Nova Scotia	101	Diamond Keturah Closing
8/27/97			7,500.00	M.P. Walker & Assoc.		land survey
9/4/97	18,000.00	Currency				180/\$100
9/4/97	2,000,000.00	Isam Yousef				wire trans // BFC Island Appliance acct
9/4/97			2,211,000.00	The Bank of Nova Scotia		Re payout on loan #58001377
	4,021,000.00		4,018,500.00			

The two transfers of \$2 million were shown as being to “BFC Island Appliances.” Of course counsel has by now determined that this refers to the “Island Appliances” account at BFC. While the error is entirely mine, I believe it was understandable to read this as the formal corporate name being “BFC Island Appliances”.

2. Isam clearly knew what entity was being referred to and identified himself as both the manager and a shareholder—even when misidentified as “BFC Island Appliances”

In the existing discovery, Isam clearly understood the reference and answered. There are several examples of his responding as to the correct “Island Appliances”. In response to Interrogatory #2, he states:

Between 1986 and 2001 , I was the manager/shareholder of Island Appliances, Canigater Street, Dutch St. Maarten.

At interrogatory #3 he states:

I opened an account with the same bank for Island Appliances sometime near the end of 1986, or the beginning of 1987.

At interrogatory #4:

BFC Bank - I had a personal bank account. Island Appliances had a business account at the same bank. . . .

There are other discovery requests which should have elicited the documents and answers sought that did not have the naming error

Similarly, several of the discovery requests were such that the correct responses should have identified the correct “island Appliances” and provided the documents and answers sought. There are several examples of this. At page 8 of Isam’s responses to *Plaintiff Hisham Hamed's First Request For The Production Of Documents I* he is asked for:

Document Request No. 16:

Please provide documents reflecting the source of all funds used to make the wire transfer that was sent on or about September 4, 1997, as noted on page 6 of Exhibit 4 as well as Exhibit 6 that are attached.

This calls for all Island appliance account records that reflect the build-up and disbursement of the two \$2 million transfers to Sixteen Plus—the monthly statements of June 1996 through December 1997, the deposit slips sourcing the funds for that period and canceled checks. Isam states

“none” but it is now unclear as to whether he does not have them, or limits his response to “BFC Island Appliances”—which would be an improper answer as the request is not so limited. Likewise, in interrogatories, he answered as to island Appliances, but did not provide the requisite detail:

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. . . . (Emphasis added.)*

This is simply a case of not fully responding once the Island Appliances account was correctly identified as being responsive. He is required to “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).

Conclusion

I would appreciate a response at your earliest convenience, and if the answer is in the negative, I will append it as an exhibit to explain to Judge Brady why an unnecessary motion is being forced given the facts above. In addition, if I could get a Rule 37 response from Isam as to whether he actually has the banking records for himself and Island appliances for that period, we could avoid at least part of the issue,

I note that I stressed “the short scheduling order and the *upcoming deposition.*” That deposition is now just a few days away and we still have not had a Rule 37 conference. Thus, I again **(h)** request a conference—before Manal’s deposition. If the deposition goes forward without such a conference and adequate responses, I will ask the Court for relief. I look forward to getting dates for all requested Rule 37 topics as requested several times. For clarity, I have abstracted the requests (a) – (h) and attached them as Exhibit I.

Thank you,

A handwritten signature in blue ink, reading "Carl J. Hartmann III". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Carl J. Hartmann III

EX A

JOEL H. HOLT, ESQ. P.C.

2132 Company Street, Suite 2
Christiansted, St. Croix
U.S. Virgin Islands 00820

Tele. (340) 773-8709
Fax (340) 773-8677
E-mail: holtvi@aol.com

August 1, 2017

James L. Hymes, III, Esquire
Law Offices of James L. Hymes, III, P.C.
P.O. Box 990
St. Thomas, VI 00804-0990

Sent by mail and email: jim@hymeslawvi.com

Re: Sixteen Plus v Manal Yousef et al., SX-16-CV-65


Dear Attorney Hymes:

In follow up to our Rule 37 conference, I want to memorialize what I understand we agreed on:

- 1) You will produce (1) the power of attorney from Manal Yousef to Jamil Yousuf as well as (2) the notarized signature page of the interrogatory answers now.
- 2) You will confirm in writing that your only communications have been with Jamil Yousuf, not Manal Yousef. In exchange, I will withdraw the request to produce a privilege log.
- 3) Regarding Manal's passports, you are obtaining copies as promptly as you can, which you will then file under seal with the Court, notifying me when you do.
- 4) As for Interrogatory 9, you will amend to say that Manal has no documents that have any of the requested information.

Please confirm that I have accurately summarized our discussion. If not, please let me know what you recall differently. Thanks.

Cordially,


Joel H. Holt
JHH/jf

Cc: Mark Eckard

EX B

From: [Carl Hartmann](#)
To: ["Joel Holt"; "jim@hymeslawvi.com"](#)
Cc: ["Kim Japinga"](#)
Subject: Has Jim completed items from Rule 37 conference?
Date: Wednesday, August 10, 2022 10:34:00 AM
Attachments: [2016-08-01 16+ Manal 65 - Letter to Hymes re Results of Rule 37 Conf.pdf](#)

Gentlemen:

Once again, I apologize. Attached is a letter confirming the results of the Rule 37 conference. Have the listed items been completed?

Please advise.

Carl

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

EX C

From: [Carl Hartmann](#)
To: "jim@hymeslawvi.com"; "rauna@hymeslawvi.com"
Cc: "[JOEL HOLT](#)"; "[Kim Japinga](#)"
Subject: Second request: Items from Rule 37 conference
Date: Tuesday, August 16, 2022 12:33:00 PM
Attachments: [2016-08-01 16+ Manal 65 - Letter to Hymes re Results of Rule 37 Conf.pdf](#)

Attorney Hymes:

Per the email below and the attached, please supply the following – particularly items 1, 3, 4 and 5.

- (1) the power of attorney from Manal Yousef to Jamil Yousuf as well as
- (2) the notarized signature page of the interrogatory answers.
- (3) confirm in writing that your only communications have been with Jamil Yousuf, not Manal Yousef.
- (4) Regarding Manal's passports, you are obtaining copies as promptly as you can, which you will then file under seal with the Court, notifying me when you do.
- (5) As for interrogatory 9, you will amend to say that Manal has no documents that have any of the requested information.

Thank you,

Carl Hartmann

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

From: Carl Hartmann <carl@carlhartmann.com>
Sent: Wednesday, August 10, 2022 10:35 AM
To: 'Joel Holt' <holtvi@aol.com>; 'jim@hymeslawvi.com' <jim@hymeslawvi.com>
Cc: 'Kim Japinga' <kim@japinga.com>
Subject: Has Jim completed items from Rule 37 conference?

Gentlemen:

Once again, I apologize. Attached is a letter confirming the results of the Rule 37 conference. Have the listed items been completed?

Please advise.

Carl

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

From: [Carl Hartmann](#)
To: "[Rauna Stevenson](#)"; "[Jim Hymes](#)"
Cc: "[Charlotte Perrell](#)"; sherpel@dnfvi.com; pbayless@dnfvi.com; "[Joel Holt](#)"; [Kim Japinga](#)
Subject: Rule 37 Request as to 2nd and 3rd Interrogatory Responses in 65/342
Date: Tuesday, September 20, 2022 5:15:00 PM

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 subpoenas 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 ?

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

- 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



From: [Carl Hartmann](#)
To: ["Rauna Stevenson"](#); ["Jim Hymes"](#)
Cc: ["Charlotte Perrell"](#); sherpel@dnfvi.com; [Joel HOLT](#); pbayless@dnfvi.com; [Kim Japinga](#)
Subject: Rule 37 Request to Jim re Isam
Date: Sunday, September 18, 2022 1:48:00 PM

Jim:

Now that the new scheduling order and upcoming depositions of Manal, Isam and Jamil are happening, I'd like to get some more information that was sought but not provided in the prior discovery. First, pursuant to Rule 37, I would like to schedule a conference to discuss two interrogatory responses and a response to a request to admit from Isam. Actually, we can avoid this if he will fully answer interrogatory number 3-- and clarify the other two items if necessary

4. ADMIT that in 1997, BFC Island Appliance was owned at least in part by you, either directly or indirectly.

RESPONSE: DENY. [[This seems contradicted by the next answer below....]]

and

Interrogatory 2: Please state the name and address of each place you have worked or been self[1]employed between 1986 and 2017 and for each such place, please state: a) All of your job title(s) or position(s) b) Your rate(s) of pay c) The time you started and the time you left each such job Response: Between 1986 and 1989,

Response:

I was the self-employed owner of Sosamag Supermarket, Rue de General DeGaulle, French St. Maarten. Between 1986 and 2001 , **I was the manager/shareholder of Island Appliances**, Canigater Street, Dutch St. Maarten. Between 1996 and 2001 , I was the manager/shareholder of Dyson's Island Furniture, St. Maarten. Between 2001 to the present, I have been the manager/shareholder of Travel Inn Hotel, St. Maarten between 2010 - 2017 I have been the manager/shareholder of Simpson Bay suites, St. Maarten

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. **[[Totally unresponsive...who owned it and in what percentages – and when]]**

Thus, we can have a conference or, alternatively, I would like to know the answer(s) to #3. What he knows about Island Furniture.

I want to know answers to exactly what is asked in the interrogatory. Who were the other shareholders (and their addresses at the time) if it was owned as a corporation? Was his father or other family members—and at what percentages? Third persons? All bank accounts?

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

From: [Carl Hartmann](#)
To: ["Rauna Stevenson"](#); ["Jim Hymes"](#)
Cc: ["Kim Japinga"](#); ["Joel Holt"](#)
Subject: Rule 37 Conf Still Necessary (Hymes)
Date: Friday, September 30, 2022 8:38:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

EXF

Jim:

Please give me dates and times at your earliest convenience for when we can proceed with the Rule 37 Conference as per my prior email.

Also, in the interrog responses filed today, Isam states that:

First Supplemental Response to Interrogatory No. 3:

I have no information concerning the location, years of operation, ownership, location of bank accounts, the identity of the owners/operators of BFC Island Appliance. I have no knowledge or information that a corporation with that name existed in or about 1997, or any other time.

The reference to "BFC Island Appliance" is typographical error....the correct entity is Island Appliance. The question was about **Island Appliances** – the same entity or dba which had the account on which the two \$2 million transfers were made listing Isam as the person initiating the transfers. He has already said that he did transfer those funds from that account. Will you supplement as to the corporation or some other form of business, that Isam mailed letters on Island Appliances letterhead,

ISLAND APPLIANCES

#12 Cannegleter Road
Philipsburg, St. Maarten, N.A.
Fax/Tel. 011-5995-25330

wired funds on Island Appliances accounts (60.63541 & 60.20186)



Banque Française Commerciale

Antilles Guyane

S. A. capital 35 000 000 - Siège social: 9, rue Louis Morant 75384 PARIS - Tél. (1) 44 20 20 20

ORDRE DE VIREMENT / TRANSFER ORDER

**DONNEUR D'ORDRE
ISSUER**

Nom / Name ISANI YOUSUF

Par prélèvement sur mon compte numéro / From my account number

Ap. N° Identification 406063581

Date 2 13 97

Veuillez verser la somme de / Transfer the amount of

(en chiffres)
(in figures)

(en lettres)
(in full)

\$ 2,000,000.-

Two million dollars

**BENEFICIAIRE
BENEFICIARY**

Nom / Name Sixteen plus Corporation

Adresse / Address St Thomas U.T. V

Tel 809-775-5646

Motif (raison) / Reason

ACC. 00039411

and otherwise transacted business under that name.

Groupe YOUSUF Isam

Island Appliance

M. Yousuf Isam est propriétaire en zone hollandaise d'une affaire spécialisée dans la vente de meubles dénommée « Island Appliances ». Deux comptes francs et dollars ont été ouverts en février 1995 à la BFC-AG. Dès le mois de juillet 1996, la banque est intriguée par des mouvements d'espèces très importants sur le compte de l'intéressé. Les explications fournies par M. Isam suffisent pourtant à apaiser les inquiétudes de la banque alors que par ailleurs celle-ci ne dispose d'aucun document comptable lui permettant de mettre en cohérence les flux observés sur le compte et les courants d'affaires annoncés⁵. Pourtant, des opérations devant susciter la vigilance continuent à transiter par le compte sans que cela ne déclenche la moindre réaction (cf. tableau infra). Il faut attendre le mois de mai 1998 pour que la banque procède à une déclaration de soupçon auprès de Tracfin (annexe 5).

Opérations remarquables observées au compte de YOUSUF Isam (Island Appliances)					
Numeros de compte	Date	Opération	Montant	Bénéficiaire	Commentaires de l'Inspection
60.63541.90.40 USD	04-07/96	Dépôt cash	1,6 MUSD	Lui-même	
	1996	Virement	1,4 MUSD	Lui-même (Cairo Amman Bank en Jordanie)	Information portée à la connaissance de Tracfin qu'en mai 1998
	01/97	Dépôt cash	1,5 MUSD	Lui-même	Ces sommes ont été déposées en 10 versements consécutifs. A ce stade, la constitution d'un dossier de surveillance eut été nécessaire à tout le moins (art. L. 563-3 du CMF)
	02/97	Virement	2 MUSD	Sixteen Plus Corp. (Nova Scotia Bank AWI)	Information portée à la connaissance de Tracfin qu'en mai 1998.
	09/97	Virement	2 MUSD	Ibid.	Ibid.
	04/98	Virement	220 kUSD	Mohamad Abdel Qader (chez West Bank-Israel)	
	10/07/98	Virement	300 kUSD	Ayed Youssef (Winward Island Bank/Sint-Maarten)	Opération n'ayant pas été portée à la connaissance de Tracfin (art. L. 563-3 du CMF)
	15/07/99	Virement	200 kUSD	Adnan Rahal	Ibid.
	9/08/99	Virement	400kUSD	Lui-même	Ibid.
60.20186.90.00 FRF					Ce compte mouvemente très peu

This too can be discussed in the conference.

Thank you,

Carl Hartmann

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



From: carl@hartmann.attorney
To: "Rauna Stevenson"; "Jim Hymes"
Cc: "Kim Japinga"
Subject: RE: Rule 37 Conf Still Necessary (Hymes) // Hisham Hamed/16 Plus v. Fathi Yusuf, et al. - 650
Date: Monday, October 3, 2022 3:58:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Thank you.

Carl

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

From: Rauna Stevenson <rauna@hymeslawvi.com>
Sent: Monday, October 3, 2022 3:32 PM
To: Carl@hartmann.attorney
Cc: Kim Japinga <kim@japinga.com>; Joel Holt <holtvi@aol.com>; Jim Hymes <jim@hymeslawvi.com>
Subject: RE: Rule 37 Conf Still Necessary (Hymes) // Hisham Hamed/16 Plus v. Fathi Yusuf, et al. - 650

Dear Carl:

I will need to confer with my client to determine if a rule 37 conference is necessary as outlined in your September 30, 2022 email. I will get back to you as soon as practical.

Sincerely yours,

James L. Hymes, III

James L. Hymes, III
Law Offices of James L. Hymes, III
P.O. Box 990
St. Thomas, Virgin Islands 00804-0990
Telephone: (340) 776-3470
E-Mail: jim@hymeslawvi.com; rauna@hymeslawvi.com

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CARL J. HARTMANN III
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2940 BROOKWIND DR.
HOLLAND, MI 49424



TELEPHONE
(340) 642-4422

EMAIL
CARL@CARLHARTMANN.COM

ADMITTED: USVI & DC

October 6, 2022

By Email Only

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

RE: Discovery in 650 and 65/342 – Correction (2nd letter)

Counsel:

As I stated in my September 30th letter, “I erroneously referred to Island Appliances as “BFC Island Appliance” in several discovery requests.” I also asked for your consideration of a simple corrective measure:

I believe all responses from your clients to date have been about the correct entity—but need to confirm that you have (and will) treat the discovery requests as being about the identified “Island Appliances”—or, alternatively, will require me to seek relief from the Court to amend/correct.

Since then, I have heard from Jim, on October 3rd:

I will need to confer with my client to determine if a rule 37 conference is necessary as outlined in your September 30, 2022 email. I will get back to you as soon as practical.

Because of the short scheduling order and the upcoming deposition, I would appreciate receiving your responses so that I can approach the Court if you do not concur. To that end I provide the following information that I would put before the Court to assist in your reflection on the matter.

1. The error occurred because of the mix-up of the name from FBI/DOJ documents

At the early stage of the case, we referred to Island Appliances as it appeared in the central document we were using to follow this transaction: DOJ/FBI Draft Report dated December 28, 2004, where transfers to Sixteen Plus are described as follows:

SIXTEEN PLUS CORPORATION						
Bank of Nova Scotia						
Acct. 39411						
BANK DATE	DEPOSIT AMOUNT	DEPOSIT SOURCE	DEBIT AMOUNT	PAYEE	CHECK NUMBER	REMARKS
2/10/97	3,000.00	Currency				acct. opened - 60/\$50
2/19/97	2,000,000.00	Isam Yousef		<i>9-2 St Martin</i>		wire trans // BFC Island Appliance acct
8/15/97			1,800,000.00	The Bank of Nova Scotia	101	Diamond Keturah Closing
8/27/97			7,500.00	M.P. Walker & Assoc.		land survey
9/4/97	18,000.00	Currency				180/\$100
9/4/97	2,000,000.00	Isam Yousef				wire trans // BFC Island Appliance acct
9/4/97			2,211,000.00	The Bank of Nova Scotia		Re payout on loan #58001377
	4,021,000.00		4,018,500.00			

The two transfers of \$2 million were shown as being to “BFC Island Appliances.” Of course counsel has by now determined that this refers to the “Island Appliances” account at BFC. While the error is entirely mine, I believe it was understandable to read this as the formal corporate name being “BFC Island Appliances”.

2. Isam clearly knew what entity was being referred to and identified himself as both the manager and a shareholder—even when identified as “BFC Island Appliances

In the existing discovery, Isam clearly understood the reference and answered, There are several examples of his responding as to the correct “Island Appliances”. In response to Interrogatory #2, he states:

Between 1986 and 2001 , I was the manager/shareholder of Island Appliances, Canigater Street, Dutch St. Maarten.

At interrogatory #3 he states:

I opened an account with the same bank for Island Appliances sometime near the end of 1986, or the beginning of 1987.

At interrogatory #4:

BFC Bank - I had a personal bank account. Island Appliances had a business account at the same bank. . . .

3. There are other discovery requests which should have elicited the documents and answers sought that did not have the naming error

Similarly, several of the discovery requests were such that the correct responses should have identified the correct “island Appliances” and provided the documents and answers sought. There are several examples of this. At page 8 of Isam’s responses to *Plaintiff Hisham Hamed's First Request For The Production Of Documents I* he is asked for:

Document Request No. 16:

Please provide documents reflecting the source of all funds used to make the wire transfer that was sent on or about September 4, 1997, on noted on page 6 of Exhibit 4 as well as Exhibit 6 that are attached.

This calls for all Island appliance account records that reflect the build-up and disbursement of the two \$2 million transfers to Sixteen Plus—the monthly statements of June 1996 through December 1997, the deposit slips sourcing the funds for that period and canceled checks. Isam states “none” but it is now unclear as to whether he does not have them, or limits his response to “BFC Island Appliances”—which would be an improper answer as the request is not so limited. Likewise, in interrogatories, he answered as to island Appliances, but did not provide the requisite detail:

Interrogatory 4:

Please list all financial accounts you have, that are fully or partially in your name¹ 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. . . . (Emphasis added.)*

This is simply a case of not fully responding once the Island Appliances account was correctly identified as being responsive. He is required to “ 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).

Conclusion

I would appreciate a response at your earliest convenience, and if the answer is in the negative, I will append it as an exhibit to explain to Judge Brady why an unnecessary motion is being forced given the facts above. In addition, if I could get a Rule 37 response from Isam as to whether or not he actually has the banking records for himself and Island appliances for that period, we could avoid at least part of the issue,

And I again note that I look forward to getting dates for all requested Rule 37 conferences as requested several times.

Thank you,

A handwritten signature in blue ink, reading "Carl J. Hartmann III". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Carl J. Hartmann III

Sincerely,

A handwritten signature in blue ink, reading "Carl J. Hartmann III". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Carl J. Hartmann III

EXHIBIT I – List of Topics

- (a) You have not filed the passport(s) with the Court under seal.³
- (b) If you have provided Item 3, I cannot locate it.
- (c) You have stated that you have previously provided Item 1, the POA from Manal to Jamil—but, would ask that you re-send it, as I have clearly misplaced it.
- (d) **Fully** describe and produce documents as to all her accounts. She has stated that she received all the cash from three interest payments of \$360k each (doled out as she needed it by Isam). This is a fantastic claim. We assume that she had and has regular banking accounts or other types of accounts into which she puts funds—whether they are in her name, her partner’s name or some other name. What we wish to see are the transactions that reflect her getting and using over \$1 million...or the absence of them.
- (e) Provide certification that she has used all reasonable steps to get both information about the accounts/funds and the account documents from Isam—as he was either her agent or her fiduciary. She should have him interviewed in detail and collect any information and recollections he has. She and Isam have described these amounts as being in a “fund” he managed for her, or in “accounts” managed by him.
- (f) We understand that neither she nor Isam paid USVI or FIRPTA taxes on VI source income. Did either pay income tax on interest income for the over \$1 million in such income in their home taxing jurisdiction(s)? If Manal and/or Isam received \$360k in 1998, did either file tax returns in STM and/or Ramallah in that year, and did either declare this as interest income? Same for 1999 and 2000. They have both been asked for both the tax filings themselves and for a response to these questions. Saying that she did not know she owed taxes here, that Isam never personally “received income”, or that Manal will pay taxes here *if she loses this case* is unresponsive as to whether anyone ever paid any taxes on this money.
- (g) as to the \$1 million dollars in alleged income since 1998. She has now said that she has spent it all. She needs to give a detailed recounting on the when, where, how and what of this—and any assets she purchased. This means that she must write out the various amounts, dates and uses for a million dollars. If she cannot recall the exact dates and amounts, she must give her best approximations. Moreover, if she never deposited a cent, she still received, held, and used these smaller payments. How was it done, what was the mechanism or mechanisms. Of

³ She has stated that passports have been produced—but while it is true that Hamed has some copies of part of her prior passports attached to other documents, these are NOT full copies of her passports. All passports that she presently has should be *fully* copied including covers and endorsements, and full copies of any prior passports she has should also be fully copied. Either those should be filed with the Court as you previously agreed, or they should be provided to Hamed with a statement that no others exist. This seeks both information and estoppel. Hamed wishes to be certain that she has no passport from other jurisdictions such as Sint Maarten, France, Jordan, Israel, or other countries. He also wishes to see any stamps that would reflect when and where she has traveled. She is seeking the equivalent of at least \$30 million dollars. She must fully comply with such basic discovery at that level of seriousness.

particular interest is the fact that she returned to the West Bank. Was all \$1 million provided before she left STM? If not, how did Isam get it to her over there?

(h) The revision of responses by all three as to BFC Appliances before her deposition.

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

HISHAM HAMED , individually, and Derivatively, on behalf of SIXTEEN PLUS CORPORATION ,)	
)	
Plaintiff,	)	CIVIL NO. SX-16-CV-650
)	
vs.	)	DERIVATIVE SHAREHOLDER SUIT, ACTION FOR DAMAGES AND CICO RELIEF
)	
FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF,	)	JURY TRIAL DEMANDED
)	
Defendants.)	
)	
and)	
)	
SIXTEEN PLUS CORPORATION ,)	
)	
a nominal Defendant,)	
)	

**NOTICE OF SERVICE OF
ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S
FIRST REQUEST FOR ADMISSIONS TO DEFENDANT ISAM YOUSEF**

The defendant, **ISAM YOUSUF**, by and through his undersigned attorneys, the Law Offices of James L. Hymes, III, P.C. (*James L. Hymes, III, of Counsel*), 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 pursuant to the

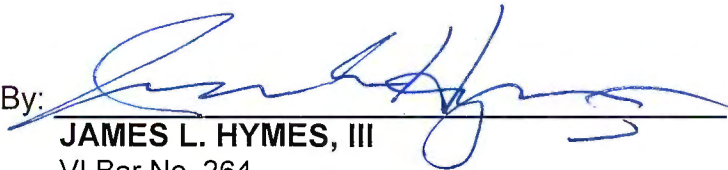
HISHAM HAMED, Individually, and derivatively, on behalf of SIXTEEN PLUS CORPORATION vs.
FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF
SCVI/STX Civil No. SX-16-CV-650
NOTICE OF SERVICE OF ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S
FIRST REQUEST FOR ADMISSIONS TO DEFENDANT ISAM YOUSEF

provisions of V.I. R. Civ. P. 36, provides notice that his Response to Plaintiff Hisham Hamed's First Request for Admissions to Defendant Isam Yousuf has been served upon plaintiff's counsel, with copies to the remaining counsel of record as set forth in the Certificate of Service, below.

Respectfully Submitted,

DATED: August 16, 2017.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
Counsel for Defendants –
Isam Yousuf, and Jamil Yousuf

By: 

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

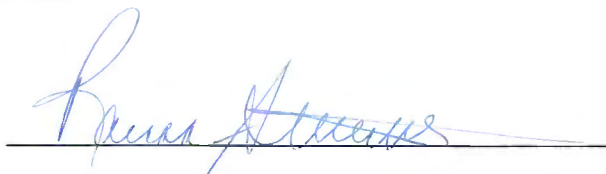
I hereby certify that this document complies with the page or word limitation set forth in V.I. R. Civ. P. 6-1(e), and that on this the 16th day of August, 2017, I caused an exact copy of the foregoing "*ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT ISAM 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
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Telephone: (340) 773-8709
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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

HISHAM HAMED , individually, and Derivatively, on behalf of SIXTEEN PLUS CORPORATION ,)	
)	
Plaintiff,	)	CIVIL NO. SX-16-CV-650
)	
vs.	)	DERIVATIVE SHAREHOLDER SUIT, ACTION FOR DAMAGES AND CICO RELIEF
)	
FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF,	)	JURY TRIAL DEMANDED
)	
Defendants.)	
)	
and)	
)	
SIXTEEN PLUS CORPORATION ,)	
)	
a nominal Defendant,)	
)	

**ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S
FIRST 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's First Request For Admissions as follows:

GENERAL OBJECTIONS

Isam Yousuf submits and incorporates into each request the following general objections to Plaintiff's First Request for Admissions set forth herein, and further, by submitting his responses to the Plaintiff's 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 First 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 First 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 First 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.

ADMISSIONS

1. **ADMIT** you were indicted in the Virgin Islands for a multitude of alleged offenses as set forth in Exhibit 1 attached hereto.

RESPONSE:
ADMIT.

2. **ADMIT** that these charges against you stemmed in part from the transfer of funds you made as documented on page 6 of Exhibit 2 as well as Exhibits 3 and 4 attached.

RESPONSE:
ADMIT.

3. **ADMIT** that you had funds transferred from St. Martin to the Sixteen Plus account at the Bank of Nova Scotia in 1997 as documented on page 6 of Exhibit 2 as well as Exhibits 3 and 4 attached.

RESPONSE:

ADMIT that Isam Yousuf transferred funds from St. Martin to the Sixteen Plus account at the Bank of Nova Scotia in 1997, but **DENY** the remaining portions of this request to admit for the reason that the Exhibits attached are illegible and confusing.

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

RESPONSE:

DENY.

5. **ADMIT** that the funds documented on page 6 of Exhibit 2 as well as Exhibits 3 and 4 attached came from Walled ("Wally") Hamed.

RESPONSE:

DENY. The funds were the property of Manal Mohammad Yousef which were given to her by her father and were entrusted to me to manage in my business account.

6. **ADMIT** that the funds documented on page 6 of Exhibit 2 as well as Exhibits 3 and 4 attached were funds generated by the Plaza Extra Supermarket Stores in the Virgin Islands.

RESPONSE:

DENY. The funds were the property of Manal Mohammad Yousef which were given to her by her father and were entrusted to me to manage an my business account.

7. **ADMIT** that the funds documented on page 6 of Exhibit 2 as well as Exhibits 3 and 4 attached were not funds you had earned or generated in any business in which you were involved.

RESPONSE:

ADMIT.

8. **ADMIT** that none of the funds documented on page 6 of Exhibit 2 as well as Exhibits 3 and 4 attached came from Manal Yousef.

RESPONSE:

DENY. See responses to Request for Admissions Nos. 5 and 6, above.

9. **ADMIT** that you came to the Virgin Islands to transact business for your father between 1996 and 2002.

RESPONSE:

DENY for the reason that this is a misstatement of fact.

10. **ADMIT** that that you came to the Virgin Islands to transact business for Fathi Yusuf between 1996 and 2002.

RESPONSE:

DENY for the reason that this is a misstatement of fact.

11. **ADMIT** that you knew the funds documented on page 6 of Exhibit 2 as well as Exhibits 3 and 4 attached had originally been skimmed from Plaza Extra accounts.

RESPONSE:

DENY. See Responses to Request for Admissions Nos. 5 and 6, above.

12. **ADMIT** that the funds documented on page 6 of Exhibit 2, as well as Exhibits 3 and 4 attached, transferred to the Sixteen Plus account at the Bank of Nova Scotia had originally been part of a money laundering scheme.

RESPONSE:

DENY. See Responses to Request for Admissions Nos. 5 and 6, above.

13. **ADMIT** that the funds documented on page 6 of Exhibit 2, as well as Exhibits 3 and 4 attached, transferred to the Sixteen Plus account at the Bank of Nova Scotia had originally been part of a plan devised in full or in part by Fathi Yusuf.

RESPONSE:

DENY. See Responses to Request for Admissions Nos. 5 and 6, above.

14. **ADMIT** that the funds documented on page 6 of Exhibit 2, as well as Exhibits 3 and 4 attached, transferred to the Sixteen Plus account at the Bank of Nova Scotia had never been in any account titled in the name of Manal Yousef.

RESPONSE:

DENY. See Response to Request for Admissions No. 6, above.

15. **ADMIT** that the funds documented on page 6 of Exhibit 2, as well as Exhibits 3 and 4 attached, transferred to the Sixteen Plus account at the Bank of Nova Scotia had never been in any account titled for the benefit or trust of Manal Yousef.

RESPONSE:

DENY. See Response to Request for Admissions No. 6, above.

16. **ADMIT** that you knew prior to February 19, 1997, Fathi Yusuf was going to create the Note and Mortgage in favor of Manal Yousef attached hereto as Exhibits 5 and 6.

RESPONSE:

DENY. This is a misstatement of fact.

17. **ADMIT** that prior to January 1, 1997 Manal Yousef never had \$4.5 million in personal net worth.

RESPONSE:

DENY. This is a misstatement of fact.

18. **ADMIT** that you came to the Virgin Islands in 2014.

RESPONSE:

ADMIT.

19. **ADMIT** that you are involved in helping Fathi Yusuf deprive Sixteen Plus of the value of the Diamond Keturah property secured by the Mortgage attached hereto as Exhibit 6.

RESPONSE:

DENY. This is a misstatement of fact.

20. **ADMIT** that you helped Fathi Yusuf meet with the lawyer who send the letter on behalf of Manal Yousef, attached as Exhibit 8.

RESPONSE:

DENY. This is a misstatement of fact.

Respectfully Submitted,

DATED: August 16, 2017.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
Counsel for Defendants –
Isam Yousuf, and Jamil Yousuf

By: _____

JAMES L. HYMES, III

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CERTIFICATE OF SERVICE

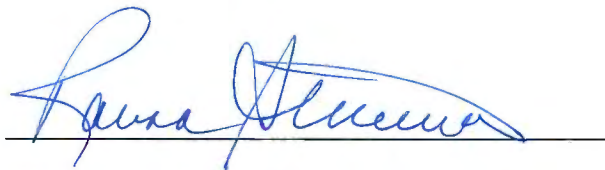
I hereby certify that on this the 16TH day of August, 2017, I caused an exact copy of the foregoing *““ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT ISAM YOUSEF””* to be served electronically by e-mail, and by mailing same, postage pre-paid, to the following counsel of record:

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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

HISHAM HAMED, individually, and
Derivatively, on behalf of **SIXTEEN
PLUS CORPORATION,**

Plaintiff,

vs.

FATHI YUSUF, ISAM YOUSUF and
JAMIL YOUSEF,

Defendants.

and

SIXTEEN PLUS CORPORATION,

a nominal Defendant,

CIVIL NO. SX-16-CV-650

DERIVATIVE SHAREHOLDER
SUIT, ACTION FOR DAMAGES
AND CICO RELIEF

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF
ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S
FIRST REQUEST FOR INTERROGATORIES TO DEFENDANT ISAM YOUSUF**

COMES NOW defendant, **ISAM YOUSUF**, by and through his undersigned attorneys, the Law Offices of James L. Hymes, III, P.C. (***James L. Hymes, III, of Counsel***), 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 pursuant to the provisions of LRCI 26.2(c) and Fed.R.Civ.P. 26(a)(1), provides notice

HISHAM HAMED, Individually, and derivatively, on behalf of SIXTEEN PLUS CORPORATION vs.

FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF

SCVI/STX Civil No. SX-16-CV-650

NOTICE OF SERVICE OF ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S FIRST REQUEST FOR
INTERROGATORIES TO DEFENDANT ISAM YOUSUF

that his Response to Plaintiff Hisham Hamed's First Request for Interrogatories to Defendant Isam Yousuf has been served upon plaintiff's counsel, with copies to the remaining counsel of record as set forth in the Certificate of Service, below.

Respectfully Submitted

DATED: August 8, 2017.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
Counsel for Defendants –
Isam Yousuf, and Jamil Yousuf

By: 

JAMES L. HYMES, III

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CERTIFICATE OF SERVICE

I hereby certify this document complies with the page or word limitation set forth in V.I. R. Civ. P. 6-1(e) and that on this the 8th day of August, 2017, I caused an exact copy of the foregoing ***“Notice of Service of Isam Yousuf’s Response to Plaintiff Hisham Hamed’s First Request for Interrogatories to Defendant Isam Yousuf”*** together with the Response referred to therein, to be served electronically by e-mail, and by mailing same, postage pre-paid, to the following counsel of record:

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Attorneys for Sixteen Plus Corporation



I. GENERAL OBJECTIONS

ISAM YOUSUF, incorporates the following general objections into each and every interrogatory response as set forth below, and further, by submitting his responses to these Interrogatories, 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, including those set forth in his Motion to Dismiss Plaintiff's First Amended Complaint:

1. Isam Yousuf objects to that portion of plaintiff's instructions and definitions to the extent that they impose any burden on him not specifically provided for by the Virgin Islands Rules of Civil Procedure.

2. Isam Yousuf objects to each interrogatory to the extent that any full answer thereto would require this defendant to divulge information, documents, or communications protected by the attorney-client privilege or the attorney work product doctrine, or to the extent that it seeks information or documents reflecting attorney/client communications, attorney work product, or the work product of non-attorneys prepared for, or under the direction of an attorney, or in anticipation of litigation or for trial preparation.

3. Isam Yousuf objects to each interrogatory to the extent that it seeks information or documents outside of his possession and custody, or in the control of a third-party over whom he has no power.

4. Isam Yousuf objects to each interrogatory to the extent it is overly broad, unduly vague, or ambiguous.

5. Isam Yousuf objects to each interrogatory to the extent it requires the production of information which would be burdensome, oppressive, or expense to produce.

6. Isam Yousuf objects to each interrogatory to the extent that it seeks information that is not, in any meaningful way, related to the parties' claims or defenses.

7. Isam Yousuf objects to each interrogatory, or any portion thereof, that seeks information on matters of public record, or other information to which plaintiff has equal access.

8. Isam Yousuf objects to each interrogatory, or portion thereof, which requires a response that may contain or reflect subsequent remedial measures or reflect information protected by the privilege of self-critical evaluation.

9. Isam Yousuf objects to each interrogatory to the extent it seeks information not calculated to lead to the discovery of relevant or admissible evidence.

10. Isam Yousuf objects to any inadvertent disclosure of privileged information being deemed a waiver, or being used affirmatively against them for any reason or purpose.

11. Isam Yousuf objects to each interrogatory to the extent that it seeks information in excess of the numerical limitation including all discrete subparts.

II. INTERROGATORIES

Interrogatory 1:

Please state your full name, including all spellings you have used, any nicknames, date of birth and every address where you have resided since January of 1992.

Response:

My full name is Isam Mohamad Yousuf. I am also known as Sam. I was born on February 20, 1952. From 1990 to 2010, I lived at #25 Gold Finch Road, St. Maarten. From 2010 to the present, I live at #3D Billy Fully Rd., St. Maarten.

Interrogatory 2:

Please state the name and address of each place you have worked or been self-employed between 1986 and 2017 and for each such place, please state:

- a) All of your job title(s) or position(s)
- b) Your rate(s) of pay
- c) The time you started and the time you left each such job

Response:

Between 1986 and 1989, I was the self-employed owner of Sosamag Supermarket, Rue de General DeGaulle, French St. Maarten.

Between 1986 and 2001, I was the manager/shareholder of Island Appliances, Canigater Street, Dutch St. Maarten.

Between 1996 and 2001, I was the manager/ shareholder of Dyson's Island Furniture, St. Maarten.

Between 2001 to the present, I have been the manager/shareholder of Travel Inn Hotel, St. Maarten

between 2010 – 2017 I have been the manager/shareholder of Simpson Bay suites, St. Maarten

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.

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.

Interrogatory 5:

Please state the full name and address of each person with whom you discussed any aspect the loan transaction for the Promissory Note attached hereto as Exhibit I and the mortgage secured by it prior to the loan being finalized in 1997, and for each such person please state:

- a) The approximate dates of each such discussion;
- b) Whether the discussion was in person or not
- c) The specifics, and if specifics are not recalled, the general nature or gist of all such discussions.

Response:

I spoke with both Fathi Yusuf and Waleed Hamed by telephone from St. Maarten in late February 1997, or early March 1997, regarding the method by which repayment of the loan to be made by Manal Yousuf would be secured.

Interrogatory 6:

Please state all residential addresses you know or believe Manal Mohammad Yousef physically resided at for more than 1 month from 1990 to present, including the dates she resided at each location.

Response:

Manal Yousuf moved to St. Martin in late 1991 with her husband. They stayed in my house at #25 Gold Finch Road for two months. She then moved to my apartment at #65 Madam Estate, and stayed there for approximately one year. In 1992 she moved to a house which she rented in Cole Bay where she stayed until June 2010, when she moved home to Palestine.

Interrogatory 7:

Regarding any communications you have had with Fathi Yusuf from 1996 to present that you can recall involving any discussions related to Sixteen Plus, Manal Mohammed Yousef or anything to do with Manal Yousef's loan to Sixteen Plus, please state:

- a) The date and place of each such communication;
- b) The specifics, and if specifics are not recalled, the general nature or gist of each conversation;
- c) For each such communication, state where you were located when it occurred.

Response:

In late 1996 or early 1997, discussions were had between Manal's father and her uncle, Fathi Yusuf, regarding finding investments for her money. In early February 1997, Fathi and Waleed came to St. Maarten to discuss the possibility of Manal making a loan to Sixteen Plus Corporation. In early February 1997, I was ordered by Manal's father to send Two Million Dollars (\$2,000,000) of Manal's money to Sixteen Plus Corporation. All of these discussions took place in St. Maarten either at my home, while we were driving in a car to a restaurant, or at restaurants we ate in. I was present for all of these discussions.

Interrogatory 8:

Regarding any communications you have had with Manal Mohammad Yousef from 1996 to present that you can recall involving any discussion about Fathi Yusuf, Sixteen Plus, or anything to do with her loan to Sixteen Plus, please state:

- a) The date and place of each such communication;
- b) The specifics, and if specifics are not recalled, the general nature or gist of each conversation;
- c) For each such communication, state where you were located when it occurred.

Response:

See Response to Interrogatory 7, above. Manal's father discussed in front of me the need to make investments for her of money he had given to her for investment purposes. I was present when Fathi and Waleed discussed the possibility of Manal loaning money to the Sixteen Plus Corporation for investment purposes. Since Manal is my sister we have always spoken about her investment and loan to the Sixteen Plus Corporation, including such things as the interest payments which were made, and more recently the best way to collect the unpaid portion of the loan. Since she left the Island in 2010, I have spoken with her several times a week, primarily about family matters.

Interrogatory 9:

Regarding the information listed on page 6 of Exhibit 2 as well as Exhibit 3 that are attached, please explain:

- a) Why you had BFC Island Appliance transfer \$2,000,000 to Sixteen Plus on or about February 19, 1997;
- b) How you and/or BFC Island Appliance obtained the \$2,000,000 to transfer to Sixteen Plus on or about February 19, 1997; and
- c) Who instructed you to send the funds.

Response:

The Two Million Dollars (\$2,000,000) which was transferred by Island Appliance to Sixteen Plus Corporation on or about February 19, 1997, was money belonging to Manal Mohammad Yousef which I was handling for her. This transfer was part of the loan by her to the corporation. Manal Mohammad Yousef's father had made deposits for her benefit into my account since 1990, or before, on many different dates. I was always under instructions to look for investments for her, and the order to transfer the money came from her father.

Interrogatory 10:

Regarding the information listed on page 6 of Exhibit 2 and Exhibit 4 that are attached, please explain:

- a) Why you had BFC Island Appliance transfer \$2,000,000 to Sixteen Plus on September 4, 1997;
- b) How you and/or BFC Island Appliance obtain the \$2,000,000 to transfer to Sixteen Plus on September 4, 1997;
- c) Who instructed you to send the funds to Sixteen Plus; and
- d) List what Bank Officers were involved in handling this transaction.

Response:

See Responses to Interrogatories 7, 8, and 9, above. The transfer of Two Million Dollars (\$2,000,000) from the Island Appliance account to Sixteen Plus Corporation on September 4, 1997, was a transfer of money belonging to Manal Mohammad Yousef which had been given to her by her father for investment purposes. I handled the necessary instructions to send the funds to Sixteen Plus Corporation. I have no present recollection of the names of any bank officers involved in this transaction since it occurred so many years ago.

Interrogatory 11:

Regarding the Power of Attorney ("POA") attached as Exhibit 5, please state:

- a) What, if anything, did you do to assist in having this POA signed by Manal Mohammad Yousef; and
- b) What, if anything, did Fathi Yusuf or Manal Yousef tell you about this POA.

Response:

After I explained to Manal Yousef why Waleed Hamed said he needed the Real Estate Power of Attorney, I assisted her with the execution of the Real Estate Power of Attorney by driving her to the office of a notary. When Fathi Yusuf found out that the Real Estate Power of Attorney was issued to him in his name, he told me that he rejected it.

Interrogatory 12:

Regarding any communications you have had with any lawyers in the Virgin Islands, including Nizar DeWood, Gregory Hodges, Stefan Herpel and Kye Walker from 2014 to present that you can recall related to any discussions involving Sixteen Plus, Manal Mohammed Yousef or anything to do with Manal Yousef's loan to Sixteen Plus, please state:

- a) The date and place of each such communication;
- b) The specifics, and if specifics are not recalled, the general nature or gist of each conversation; and
- c) For each such communication, state where you were located when it occurred.

Response:

I have no recollection of ever having spoken with Attorney Greg Hodges and Attorney Stefan Herpel.

I spoke on the telephone with Attorney Kye Walker and answered questions she had regarding the loan to Manal Yousef.

I spoke with Mr. DeWood in person in his office regarding investments with Merrill Lynch.

Interrogatory 13:

Regarding any communications you have had with any lawyers in St, Martin, including the lawyer who sent the letter attached as Exhibit 6, from 2012 to present that you can recall related to any discussions involving Sixteen Plus, Manal Mohammed Yousef or anything to do with the Manal Yousef's loan to Sixteen Plus, please state:

- a) The date and place of each such communication;
- b) The specifics, and if specifics are not recalled, the general nature or gist of each conversation; and
- c) For each such communication, state where you were located when it occurred.

Response:

In December 2012, I met with Mr. Snow in his office in St. Maarten. My son was with me at the time and we discussed the status of the loan which Manal Mohammad Yousef made to the Sixteen Plus Corporation, and the fact that it had not been repaid. Mr. Snow suggested that he send a letter regarding the matter.

Interrogatory 14:

Did Manal Mohammad Yousef ever give you any funds, which shall include but not be limited to, funds to transfer to Sixteen Plus? If so, please state:

- a) All dates when this occurred;
- b) The amount given to you on each date;
- c) The amount given to you on each date by wire transfer, identifying the transferring bank;
- d) The amount given to you on each date by check, identifying the bank or brokerage account on which the check was written; and
- e) The source of her funds that she transferred to you.

Response:

The money which was given to Manal Yousef by her father was deposited by him into the bank account over a period of years.

Interrogatory 15:

Did you ever come into possession of the summons issued to Manal Mohammad Yousef attached as Exhibit T? If so, please state:

- a) What you did once you received it
- b) The name and address of anyone you discussed the summons with?
- c) Who you sent copies of the summons to, if anyone?
- d) Whether you ever told Manal Mohammad Yousef about the summons.

Response:

I saw the Summons for the first time after I returned from a trip to Jordan, when it was shown to me by my son. My son and I discussed it with Attorney Walker. I discussed it with Manal Mohammad Yousef, but I cannot recall the exact date when this was done.

Interrogatory 16:

Please state the date of all trips to the United States Virgin Islands since 1996 and for each such trip, please state:

- a) The date of said trip;
- b) The purpose for said trip;
- c) The gist of your conversation on each such trip with Fathi Yusuf, James Ross, Nizar Dewood or Waleed Hamed on any such trip; and
- d) The name and address of each person you can recall you spoke with in each trip other than Nizar Dewood, Fathi Yusuf and Waleed Hamed.

Response:

I have no recollection of having made a trip to the U.S. Virgin Islands prior to 2001. The only trip I made to the U.S. Virgin Islands after 2001 was in March, 2015. The purpose of the trip was to visit with the offices of Merrill Lynch with Waleed Hamed and Fathi Yusuf. The purpose of my trip and my discussions was to try to solve the problems between Mr. Hamed and Mr. Yusuf, and to see if the loan which my sister made to the Sixteen Plus Corporation could be repaid. My discussions with Nizar DeWood were for this same reason.

My discussions with James Ross concerned investments for the benefit of my wife. In addition, since I used to live in the Virgin Islands many years ago, I also spoke on a social basis with many of the Arab people in the Virgin Islands, as well as local people who I have known for a long time. These discussions were unrelated to this litigation.

Interrogatory 17:

Regarding 25 Gold Finch Road, Pointe Blanche Sint Maartin, please state:


- a) Who has resided at this address since 1997?
- b) When is the last time, if ever, that you resided there
- c) If you have not lived at this address since 2015, how did you learn about this lawsuit?
- d) If you have not lived at this address since 2015, how did you learn about the lawsuit that Sixteen Plus filed against Manal Mohammad Yousef?

Response:

Since 1997, I and my brother and his family have lived at #25 Gold Finch Road, St. Maarten. In 2010, I moved to an apartment building which I own at 3D Billy Fully Road, St. Maarten, as did my brother. I learned about the lawsuit from the maintenance man at the Gold Finch Road premises who found a copy of the Complaint and Summons by a door in May, 2016.

VERIFICATION

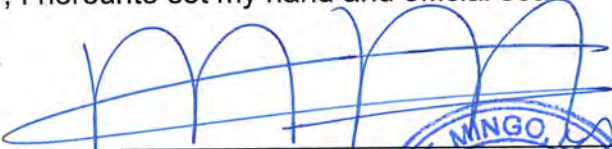
I hereby certify under penalty of perjury that the facts contained in each of the foregoing responses to interrogatories are true and correct to the best of my knowledge, information and belief.


Dated: 7/19/2017 
Isam Yousuf

)
) ss.
)

On this, the 19th day of July of 2017, before me, the undersigned officer, personally appeared Isam Yousuf, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public
(a civil law notary)
Marlene Françoise Mingo



Seen for legalization of the signature of ISAM MOHAMAD YOUSUF, who identified himself with a passport, issued by the United States of America, under number 482522158, by me, Marlene Françoise Mingo, LL.M., a civil law notary, established on Sint Maarten, on this 19th day of July, 2017. This declaration for the legalization of the signature, by the civil law notary, contains no opinion as to the contents of this document.

HISHAM HAMED, Individually, and derivatively, on behalf of SIXTEEN PLUS CORPORATION vs.

FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF

SCVI/STX Civil No. SX-16-CV-650

ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S FIRST REQUEST FOR INTERROGATOIRES TO DEFENDANT ISAM YOUSUF

DATED: 7/27, 2017.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
*Counsel for Defendants –
Isam Yousuf, and Jamil Yousuf*

By: 

JAMES L. HYMES, III

VI Bar No. 264

P.O. Box 990

St. Thomas, Virgin Islands 00804-0990

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E-Mail: jim@hymeslawvi.com;

rauna@hymeslawvi.com

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,)	
_____)	

NOTICE OF SERVICE OF
ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S
FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS
TO DEFENDANT ISAM YOUSEF

The defendant, **ISAM YOUSUF**, by and through his undersigned attorneys, the Law Offices of James L. Hymes, III, P.C. (***James L. Hymes, III, of Counsel***), 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

HISHAM HAMED, Individually, and derivatively, on behalf of SIXTEEN PLUS CORPORATION vs.
FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF
SCVI/STX Civil No. SX-16-CV-650
NOTICE OF SERVICE OF ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S
FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS

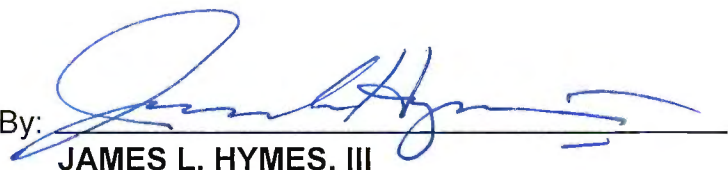
may be presented whether by pleading or motion in this action, and pursuant to the provisions of V.I. R. Civ. P. 34, provides notice that his Response to Plaintiff Hisham Hamed's First Request for the Production of Documents to Defendant Isam Yousuf has been served upon plaintiff's counsel, with copies to the remaining counsel of record as set forth in the Certificate of Service, below.

Respectfully Submitted,

DATED: August 16, 2017.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
Counsel for Defendants –
Isam Yousuf, and Jamil Yousuf

By:



JAMES L. HYMES, III
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rauna@hymeslawvi.com

CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page or word limitation set forth in V.I. R. Civ. P. 6-1(e), and that on this the 16th day of August, 2017, I caused an exact copy of the foregoing "*ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S FIRST 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
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Facsimile: (340) 773-8677
holtvi@aol.com

Counsel for Plaintiff

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Co-Counsel for Plaintiff

GREGORY H. HODGES, ESQ.

STEFAN HERPEL, ESQ.

LISA MICHELLE KÖMIVES, ESQ.

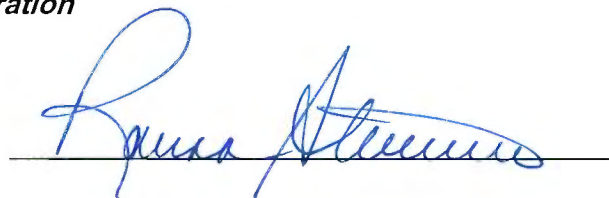
DUDLEY, TOPPER AND FEUERZEIG, LLP
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kevin.rames@rameslaw.com

Attorneys for Sixteen Plus Corporation



IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

HISHAM HAMED , individually, and Derivatively, on behalf of SIXTEEN PLUS CORPORATION ,)	
)	
Plaintiff,	)	CIVIL NO. SX-16-CV-650
)	
vs.	)	DERIVATIVE SHAREHOLDER SUIT, ACTION FOR DAMAGES AND CICO RELIEF
)	
FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF,	)	JURY TRIAL DEMANDED
)	
Defendants.)	
)	
and)	
)	
SIXTEEN PLUS CORPORATION ,)	
)	
a nominal Defendant,)	
)	

**ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S
FIRST 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 First Request for Admissions set forth herein, and further, by submitting his responses to the Plaintiff's 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 First 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 First 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 First 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.

REQUESTS

Document Request No. 1:

All monthly account statements for any checking, savings, investment, brokerage account titled to you in your name from 1990 through 1997.

Response:

None.

Document Request No. 2:

All written communications between you and Fathi Yusuf since 1996 regarding any matters related to United Corporation, Sixteen Plus, Manal Mohammad Yousef or anything to do with Manal Mohammad's loan to Sixteen Plus as evidenced by the Promissory Note attached as **Exhibit 1**.

Response:

None.

Document Request No. 3:

All written communications between you and Jamil Yousef since 2008 regarding any matters related to United Corporation, Sixteen Plus, Manal Mohammad Yousef or anything to do with Manal Mohammad's loan to Sixteen Plus as evidenced by the Promissory Note attached as **Exhibit 1**.

Response:

None.

Document Request No. 4:

All written communications between you and any family members of Fathi Yusuf since 1996 regarding any matters related to United Corporation, Sixteen Plus, Manal Mohammad Yousef or anything to do with Manal Mohammad's loan to Sixteen Plus as evidenced by the Promissory Note attached as **Exhibit 1**.

Response:

None.

Document Request No. 5:

All written communications with any person affiliated with or representing Sixteen Plus since 1996.

Response:

None.

Document Request No. 6:

All written communications with anyone regarding the preparation and execution of the Power of Attorney attached hereto as **Exhibit 2**.

Response:

None.

Document Request No. 7:

All communications with any attorney in St. Martin regarding the collection of the Promissory Note attached hereto as **Exhibit 1**, including but not limited to the attorney who sent the letter attached hereto as **Exhibit 3**.

Response:

None.

Document Request No. 8:

All communications with Kye Walker since 2015.

Response:

I object to producing any document I may have in my possession which could be interpreted as a communication with Attorney Walker on the grounds that such communication was between client and attorney and is therefore privileged and confidential and not subject to disclosure.

Document Request No. 9:

Please provide all documents showing residential addresses you know or believe Manal Yousef physically resided at for more than 1 month from 1990 to present.

Response:

None.

Document Request No. 10:

All communications with any lawyer working for the law firm of Dudley, Topper and Feuerzeig, the law firm representing Defendant's uncle, Fathi Yusuf, since 2012.

Response:

None.

Document Request No. 11:

Complete copies of all passports issued to you by any country since 1996, whether current or expired.

Response:

Pursuant to an agreement with counsel, copies of passports will be submitted under seal to the Court for its inspection to determine relevancy, and to avoid disclosure of private personal information protected by the rules of this Court.

Document Request No. 12:

All documents showing residential addresses you physically resided at for more than 1 month from 1996 to present.

Response:

Until 2010 I lived at Gold Finch Road in St. Martin. I have no documents relating to my occupancy at that address. Since then I have lived at number 3D Billy Fully Road in St. Maarten. This response will be supplemented if any documents relating to my occupancy at that address can be located.

Document Request No. 13:

Please provide all documents detailing how the Note and Mortgage between Manal Yousef and Sixteen Plus was arranged for, negotiated, drafted, executed, delivered, and recorded. Include, but do not limit this, to documents reflecting the dates when actions were taken, the amounts discussed or transacted, the documents drafted or executed, the communications, any lawyers involved, all persons involved and all banks/entities where funds originated, were transferred or arrived.

Response:

None.

Document Request No. 14:

Please provide documents reflecting the source of all funds used to make the wire transfer that was sent on or about February 19, 1997, as noted on page 6 of **Exhibit 4** as well as **Exhibit 5** that are attached.

Response:

None.

Document Request No. 15:

Documents providing the directions from anyone to authorize the wire transfers that were sent on or about February 19, 1997 and September 4, 1997, on noted on page 6 of **Exhibit 4** as well as **Exhibits 5** and 6 that are attached.

Response:

None.

Document Request No. 16:

Please provide documents reflecting the source of all funds used to make the wire transfer that was sent on or about September 4, 1997, on noted on page 6 of **Exhibit 4** as well as **Exhibit 6** that are attached.

Response:

None.

Document Request No. 17:

Please provide documents showing the transfer of any funds by Manal Mohammad Yousef to you or BFC Island Appliance that were included in either of the wire transfers that were sent on or about February 19, 1997 and September 4, 1997, on noted on page 6 of **Exhibit 4** as well as **Exhibits 5** and 6 that are attached.

Response:

None.

Document Request No. 18:

Provide all documents detailing communications you or Fathi Yusuf have had with any members of Manal Yousef's family or her counsel from September 4, 1997 *to the present*.

Response:

None.

Document Request No. 19:

Please provide all documents, including but not limited to any powers of attorney between Manal Yousef and yourself that would allow you to hold yourself out as her agent.

Response:

None.

Document Request No. 20:

Please provide all documents showing any transfers of funds to you since 1996 from United Corporation, Waleed Hamed, or Fathi Yusuf or any of his family members.

Response:

None.

Respectfully Submitted,

DATED: August 16, 2017.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
Counsel for Defendants –
Isam Yousuf, and Jamil Yousuf

By: 

JAMES L. HYMES, III

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rauna@hymeslawvi.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of August, 2017, I caused an exact copy of the foregoing ***“ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S FIRST 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

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Counsel for Plaintiff

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carl@carlhartmann.com

Co-Counsel for Plaintiff

HISHAM HAMED, Individually, and derivatively, on behalf of SIXTEEN PLUS CORPORATION vs.

FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF

SCVI/STX Civil No. SX-16-CV-650

ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS

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STEFAN HERPEL, ESQ.

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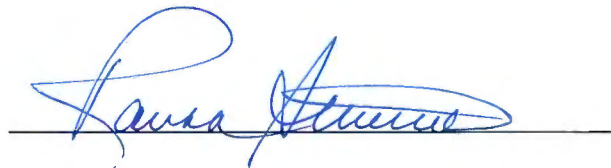
Christiansted, VI 008220

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Facsimile: (340) 773-7282

kevin.rames@rameslaw.com

Attorneys for Sixteen Plus Corporation



c:\Yousuf\Hamed\2017-08-16...IY's RRFPD.....

I. GENERAL OBJECTIONS

ISAM YOUSUF, incorporates the following general objections into each and every interrogatory response as set forth below, and further, by submitting his responses to these Interrogatories, 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, including those set forth in his Motion to Dismiss Plaintiff's First Amended Complaint:

1. Isam Yousuf objects to that portion of plaintiff's instructions and definitions to the extent that they impose any burden on him not specifically provided for by the Virgin Islands Rules of Civil Procedure.

2. Isam Yousuf objects to each interrogatory to the extent that any full answer thereto would require this defendant to divulge information, documents, or communications protected by the attorney-client privilege or the attorney work product doctrine, or to the extent that it seeks information or documents reflecting attorney/client communications, attorney work product, or the work product of non-attorneys prepared for, or under the direction of an attorney, or in anticipation of litigation or for trial preparation.

3. Isam Yousuf objects to each interrogatory to the extent that it seeks information or documents outside of his possession and custody, or in the control of a third-party over whom he has no power.

4. Isam Yousuf objects to each interrogatory to the extent it is overly broad, unduly vague, or ambiguous.

5. Isam Yousuf objects to each interrogatory to the extent it requires the production of information which would be burdensome, oppressive, or expense to produce.

6. Isam Yousuf objects to each interrogatory to the extent that it seeks information that is not, in any meaningful way, related to the parties' claims or defenses.

7. Isam Yousuf objects to each interrogatory, or any portion thereof, that seeks information on matters of public record, or other information to which plaintiff has equal access.

8. Isam Yousuf objects to each interrogatory, or portion thereof, which requires a response that may contain or reflect subsequent remedial measures or reflect information protected by the privilege of self-critical evaluation.

9. Isam Yousuf objects to each interrogatory to the extent it seeks information not calculated to lead to the discovery of relevant or admissible evidence.

10. Isam Yousuf objects to any inadvertent disclosure of privileged information being deemed a waiver, or being used affirmatively against them for any reason or purpose.

11. Isam Yousuf objects to each interrogatory to the extent that it seeks information in excess of the numerical limitation including all discrete subparts.

II. INTERROGATORIES

Interrogatory 21:

Please refer to two Exhibits from the 1st interrogatories to you – Exhibits 5 and 6. The first page of Exhibit 5 states on its face that it is a Transfer Order from Banque Française Commerciale.

- A. On its face, the document states that the Issuer is Isam Yousuf and the account number being drawn from is Banque Francaise Commerciale Account No. 4060663541. Describe the actual holder of this account—is it you personally or is it Island Appliance? Specify the name on the title of the account.
- B. The Transfer order states on its face that the date of the Transfer is 2/13/97, state whether you personally made the request on or about that date, and how the request was made (i.e., in person, by phone, etc.).
- C. Describe who filled out the Transfer form and how? Whose handwriting is the phrase “Bank of Nova Scotia” in? If it was your handwriting, where and under what circumstances was it filled out and proffered to the bank?
- D. From whom did this \$2 million come, when was it deposited (in whole or in parts) and do you have the deposit slips of bank statements for this account leading up to this transfer that show the source of these funds?
- E. What was the average monthly balance in this account from 1995 through 2001?
- F. Describe in detail whether this was a normal operating account for Island Appliance, or whether it was segregated from the normal operations for the benefit of Manal or otherwise.
- G. Describe in detail any writings, documents or other evidence that shows or infers that the \$2 million being transferred was related in any way to Manal.
- H. Describe taxation documents that show the local tax payments on the gift or income that was the source of this \$2 million?

Response:

- A. Island Appliances and Isam Yousuf are the names on the account. My father also had access to it.**
- B. My father directed me to transfer the funds to Sixteen Plus as an investment for the benefit of my sister, Manal, and to allow Sixteen Plus to acquire the Diamond Kuturah property.**

- C. I filled out the transfer form and the handwriting on it is mine. This was done at the direction of my father.
- D. The \$2 Million was provided by my father. I did not deposit it, therefore I do not have a deposit slip or a bank statement in connection with the.
- E. I have no personal recollection of any information which would allow me to answer this question.
- F. This is a second account of Island Appliances located on the French side of St. Maarten. My father had access to the same account to make deposits for the benefit of Manal.
- G. I have no documents or recollection which would permit me to be responsive to this request for information.
- H. I have no knowledge or information with which to respond to this interrogatory. It is possible that tax related documents were prepared and filed by my father.

Interrogatory 22:

Attached are two Exhibits from the 1st interrogatories to you – Exhibits 5 and 6. The first page of Exhibit 6 states on its face that it is a “Telex Transfer” from Banque Française Commerciale.

- A. On its face, the document states that the transferor is “Island Appliance” and that it is “c/o Isam Yousuf” – please describe in detail what account this came from, whether it was yours personally or Island Appliance’s.
- B. The document states on its face that the date of the Transfer is 9/4/97, state what you did on or around that date to cause these funds to transfer.
- C. Who filled out the Transfer form for this on St. Maarten? If it was you, where and under what circumstances was it filled out and proffered to the bank?
- D. From whom did this \$2 million come, when was it deposited into your account (in whole or in parts) and do you have the deposit slips of bank statements for this account leading up to this transfer that show the source of these funds?
- E. What was the average monthly balance in this account from 1995 through 2001?
- F. Describe in detail whether this was a normal operating account for Island Appliance, or whether it was segregated from the normal operations.
- G. Describe in detail any writings, documents or other evidence that shows or infers that the \$2 million being transferred was related in any way to Manal.
- H. Describe taxation documents that show the local tax payments on the gift or income that was the source of this \$2 million?

Response:

- A. Island Appliances and Isam Yousuf are the names on the account. My father also had access to it.**
- B. We agreed to make the loan to Sixteen Plus.**
- C. Although I have no memory of having done so, I must have filled out the transfer form since it is in my handwriting.**
- D. The funds came from my father for the benefit of his daughter, Manal. I have no recollection of when it was deposited by him.**
- E. I have no personal recollection, or any information which would allow me to answer this question.**

- F. This is a second account of Island Appliances located on the French side of St. Maarten. My father had access to the same account to make deposits for the benefit of Manal.**

- G. I have no documents or recollection which would permit me to be responsive to this request for information.**

- H. I have no knowledge or information with which to respond to this interrogatory. It is possible that tax related documents were prepared and filed by my father.**

Interrogatory 23:

Describe in detail when and how any additional funds were transferred from Manal, you or Island Appliances to or for Sixteen Plus. This will include but not be limited to:

- A. Was and how was the additional \$500,000 set forth in the Note at issue here (\$4,500,000) ever sent to Sixteen Plus or any other entity associated with Plaza Extra, United, the Yusuf or Hameds?
- B. If additional funds were transmitted describe the accounts, method and persons involved, as well as any writings, documents or other evidence thereof.

Response:

- A. It was given by me to Waleed, in cash, in St. Maarten.**
- B It was given by me to Waleed in Maarten.**

Interrogatory 24:

You allegedly received three payments of interest on behalf of Manal (in 1998, 1999, and 2000) as interest on the Note at issue here.

- A. Describe each such payment in detail, include but do not limit the response to who was the payor, how it was transmitted, who received it, in what form was it, where was it deposited.
- B. Describe its transfer to Manal, or if it was not transferred to here, describe where it is now.
- C. Describe all taxes paid to the governments of St. Maarten or on the West bank with regard to these funds; include but not limit this to all filings, all amounts declared, all taxes paid, and the writings, documents or evidence of such taxes.
- D. Describe all taxes paid to the governments of the USVI or the US with regard to these funds; include but not limit this to all filings, all amounts declared, all taxes paid, and the writings, documents or evidence of such taxes.
- E. Was USVI source income tax withheld or paid? If not, why not?
- F. Was US FIRPTA tax paid, if not why not?
- G. Do you or Manal intend to pay such taxes in the future on interest received? If not, why not?

Response:

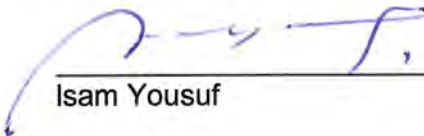
- A. All three payments were paid to me in cash in St. Maarten, by Waleed.**
- B. There were no transfers to Manal. The money I received was given in cash by me to Manal on different days, and in different amounts as she needed it.**
- C. I have no knowledge or information with respect to this interrogatory.**
- D. I have no knowledge or information with respect to this interrogatory.**
- E. No. Manal was not a US resident, or US citizen.**
- F. I have no knowledge or information with respect to this interrogatory.**
- G. Manal is not a US resident, or US citizen now, or when she received any cash from me. If it is determined she owes taxes, I would expect her to pay them.**

HISHAM HAMED, Individually, and derivatively, on behalf of SIXTEEN PLUS CORPORATION vs.
FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF
SCVI/STX Civil No. SX-16-CV-650
ISAM YOUSUF'S RESPONSES TO PLAINTIFF HISHAM HAMED'S
SECOND REQUESTS FOR INTERROGATORIES TO DEFENDANT ISAM YOUSUF

VERIFICATION

I hereby certify under penalty of perjury that the facts contained in each of the foregoing responses to interrogatories are true and correct to the best of my knowledge, information and belief.

Dated: September 15, 2022.

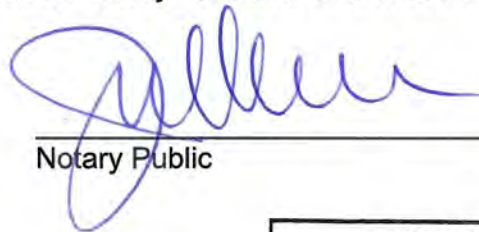


Isam Yousuf

)
) ss.
)

On this, the 15 day of September, 2022, before me, the undersigned officer, personally appeared Isam Yousuf, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notary Public



JW SOCHRIN
Notary Public, State of Connecticut
My Commission Expires Aug. 31, 2024

HISHAM HAMED, Individually, and derivatively, on behalf of SIXTEEN PLUS CORPORATION vs.
FATHI YUSUF, ISAM YOUSUF and JAMIL YOUSEF
SCVI/STX Civil No. SX-16-CV-650
ISAM YOUSUF'S RESPONSES TO PLAINTIFF HISHAM HAMED'S
SECOND REQUESTS FOR INTERROGATORIES TO DEFENDANT ISAM YOUSUF

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

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Facsimile: (340) 775-3300

E-Mail: jim@hymeslawvi.com;

rauna@hymeslawvi.com

c:\YousufHamed\2022-09-22...IY's Response to Rogs.....

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 of 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 of 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.
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P.O. Box 756
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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

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,)	
)	

NOTICE OF SERVICE OF
ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S
SECOND REQUESTS FOR INTERROGATORIES

TO: TAMARA CHARLES
Clerk of the Court
SUPERIOR COURT OF THE VIRGIN ISLANDS
Division of St. Croix
RFD 2, Kingshill, St. Croix
U.S. Virgin Islands 00850

JOEL H. HOLT, ESQ.
LAW OFFICES OF JOEL H. HOLT
holtvi@aol.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd day of September, 2022, as an approved C-Track filer on behalf of James L. Hymes, III, I caused an exact copy of the foregoing ***“Notice of Service of Isam Yousuf’s Response to Plaintiff Hisham Hamed’s Second Requests for Interrogatories to Defendant Isam Yousuf”*** to be served electronically through the C-Track system upon the following counsel of record, with electronic copies of the Notice of Service and Isam Yousuf’s Response to Plaintiff’s Second Requests for Interrogatories referred to therein, to be served on the following counsel of record by email.

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 Frederiksberg Gade
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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/ Rauna Stevenson-Otto

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,)	
)	

NOTICE OF SERVICE OF
ISAM YOUSUF'S RESPONSE
TO PLAINTIFF HISHAM HAMED'S SECOND REQUEST
FOR THE PRODUCTION OF DOCUMENTS TO ISAM YOUSUF

TO: TAMARA CHARLES
Clerk of the Court
SUPERIOR COURT OF THE VIRGIN ISLANDS
Division of St. Croix
RFD 2, Kingshill, St. Croix
U.S. Virgin Islands 00850

JOEL H. HOLT, ESQ.
LAW OFFICES OF JOEL H. HOLT
holtvi@aol.com
Counsel for Plaintiff

The Defendant **ISAM YOUSUF**, by and through his undersigned attorney, James L. Hymes, III, provides notice that he has served his Response to Plaintiff Hisham Hamed's Second Request for the Production of Documents to Isam Yousuf, by serving same upon Plaintiff's counsel, Joel H. Holt, Esq., with copies to the remaining counsel of record as set forth in the Certificate of Service incorporated below.

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

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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, as an approved C-Track filer on behalf of James L. Hymes, III, I caused an exact copy of the foregoing ***“Notice of Service of Isam Yousuf’s Response to Plaintiff Hisham Hamed’s Second Request for The Production of Documents to Isam Yousuf”*** to be served electronically through the C-Track system upon the following counsel of record, with electronic copies of the Notice of Service and Isam Yousuf’s Response to Plaintiff’s Second Request for the Production of Documents referred to therein, to be served on the following counsel of record by email.

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
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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/ Rauna Stevenson-Otto

FILED

September 22, 2022 01:12 PM

SX-2016-CV-00650

TAMARA CHARLES

CLERK OF THE COURT

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,)	
)	

NOTICE OF SERVICE OF
ISAM YOUSUF'S RESPONSE TO PLAINTIFF HISHAM HAMED'S
SECOND REQUESTS FOR INTERROGATORIES

TO: TAMARA CHARLES
Clerk of the Court
SUPERIOR COURT OF THE VIRGIN ISLANDS
Division of St. Croix
RFD 2, Kingshill, St. Croix
U.S. Virgin Islands 00850

JOEL H. HOLT, ESQ.
LAW OFFICES OF JOEL H. HOLT
holtvi@aol.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd day of September, 2022, as an approved C-Track filer on behalf of James L. Hymes, III, I caused an exact copy of the foregoing ***“Notice of Service of Isam Yousuf’s Response to Plaintiff Hisham Hamed’s Second Requests for Interrogatories to Defendant Isam Yousuf”*** to be served electronically through the C-Track system upon the following counsel of record, with electronic copies of the Notice of Service and Isam Yousuf’s Response to Plaintiff’s Second Requests for Interrogatories referred to therein, to be served on the following counsel of record by email.

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.

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Law House, 1000 Frederiksberg Gade
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sherpel@dnfvi.com

Attorneys for Defendant Fathi Yusuf

KEVIN A. RAMES, ESQ.

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2111 Company Street, Suite 3
Christiansted, VI 008220
kevin.rames@rameslaw.com

Attorneys for Sixteen Plus Corporation

/s/ Rauna Stevenson-Otto

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*

JAMES L. HYMES, III
VI Bar No. 264
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E-Mail: jim@hymeslawvi.com;
rauna@hymeslawvi.com

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:

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.
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Co-Counsel for Plaintiff

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CHARLOTTE PERRELL, ESQ.
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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

LAW OFFICES
OF
JAMES L. HYMES, III, P.C.

P.O. BOX 990
ST. THOMAS, VIRGIN ISLANDS 00804-0990
E-MAIL: jim@hymeslawvi.com
TELEPHONE: (340) 776-3470 CELLULAR: (340) 998-3059



REPLY TO:
 ST. THOMAS OFFICE

REPLY TO:
 CHRISTIANSTED OFFICE

November 7, 2022

PRIVILEGED & CONFIDENTIAL
ATTORNEY WORK PRODUCT

Carl J. Hartmann, III, Esq.
carl@carlhartmann.com
carl@hartmann.attorney

Re: **Sixteen Plus v. Manal Yousuf**
SCVI/STX Civil No. SX-16-CV-65
MMY v. Sixteen Plus
SCVI/STX Civil No. SX-17-CV-342

Dear Attorney Hartmann:

This letter will respond to your letter to me of October 20, 2022, which sets forth your understanding of our discussion, and those items which you believe are deliverable.

With respect to paragraph (2) of the August 1, 2017 letter to me from Joel Holt, I have been reminded by Jamil Yousuf that I requested that he establish a telephone conference call with Manal at the time I was retained to allow her to confirm my retention, and to avoid any question of same if it was only done by Jamil through his power of attorney.

I have agreed to obtain copies of all pages of the passports requested to be produced with the understanding that a request will be made to the Superior Court for them to be filed with the Court under seal, to avoid them being made a matter of public record.

You indicated to me that you required a description of the present address for my client so that you may serve her with process. I will not provide you with that address. If you need to serve her with process, it may be done through me.

CHRISTIANSTED OFFICE:
1138 KING STREET (THE PENTHENY BUILDING), CHRISTIANSTED, ST. CROIX, U.S. VIRGIN ISLANDS 00820-4943
E-MAIL: rauna@hymeslawvi.com
TELEPHONE: (340) 773-1700

My client has indicated that she has not paid taxes on any interest payments paid to her by your clients. Therefore, I see no need for you to obtain copies of her tax returns for the years 1990 - 2000.

I will acknowledge your statement to me that you confused the name of the BFC Island Appliance with Island Appliances. In my opinion the answers to your discovery correctly responded to the question and gave information as if the question properly assumed the name of the company was Island Appliances. If you do not agree with this and wish to send a separate document with the correct name, please feel free to do so.

Points Raised in Isam's Responses:

Isam managed money for Manal in two ways. First, he gave her cash as she needed it from the interest payments paid to her by your clients. Second, he assisted with the agreement for her to lend \$4.5 Million to Sixteen Plus by agreeing on her behalf to do so, and by transferring money given to her for her benefit by her father to Sixteen Plus in accordance with the terms and conditions of the Note and First Priority Mortgage executed by Sixteen Plus. There was no account specifically titled in her name, or for her benefit. Her father deposited \$2 Million into the Island Appliances account, and Isam transferred it to Sixteen Plus as part of the \$4.5 million loan.

Isam has fully described and provided the addresses at which he has resided on the island of St. Maarten. No further supplementation will be forthcoming as such is unnecessary.

A description of the rate of pay of Isam, and his percentage of stock ownership in Island Appliances will not be provided as this information is totally irrelevant to any litigation.

You have asked for a description of all foreign bank accounts in his name during the period 1995 2000. Once again, this is irrelevant to any issue related to this case and will not be provided.

Interrogatory 9(b) asked how you and/or Island Appliances obtained the \$2 Million to transfer to Sixteen Plus on or about February 19, 1997. My clients have repeatedly explained to you that these funds came from Manal's father. No further explanation is required.

Document Request No. 1 asked for copies of all monthly account statements for any checking, savings, investment, brokerage account titled to you in your name from 1990 through 1997. The response was none. This response cannot change since there are no documents in his possession, custody, or control.

You have requested factual answers to Interrogatory No. 22, and its subsections E, F and G. Information will not be provided because the funds for the loan to Sixteen Plus did not come from Island Appliances, but rather from Manal's father.

I have been advised that what you thought was a bank card is in fact an insurance card, and therefore there will be no further supplementation to Document Request No. 9.

Finally, you have demanded information as to how the \$1,080,000 of interest which your client denied paying was spent by Manal. She and her husband purchased a supermarket from Isam with the first payment of interest, and spent the second payment supporting the operation of the supermarket and for their own personal use. They purchased a car and a van with a portion of the money. Between 1999 and 2003, a second store was opened and supported with the third payment of interest. Any remaining cash was received and used as needed for personal consumption.

Access to the financial records of Island Appliances and my clients will not be granted. Your clients have denied making any payments of interest. Therefore, they have no reason to look in bank accounts for those funds. If your clients used the money which they skimmed from Plaza Extra to fund the Note and Mortgage, they should have the documents by which those funds were deposited in a bank in St. Maarten for transfer back to them in the Virgin Islands. Indeed, those documents should have been produced as part of your rule 26 initial disclosures, but, unless I am mistaken, I have not seen them to date.

Respectfully submitted



James L. Hymes, III

JLH:rs

cc: Joel H. Holt, Esq.
holtvi@aol.com

BANKING COMMISSION

INSPECTION REPORT

**FRENCH COMMERCIAL BANK
WEST INDIES-GUYANA
Saint Martin branch**

Investigation into the application of the provisions respecting the blocking of funds and other financial resources taken against the Afghanistan Taliban as well as other financial relationships with certain persons or entities

Examination of local action to prevent the use of proceeds of crime (money laundering)

THIS REPORT IS STRICTLY CONFIDENTIAL
It must not be even partially disclosed under any circumstances.

Head of Investigation

P.L. CHATAIN

Date signed: January 11, 2002

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**FRENCH COMMERCIAL BANK
WEST INDIES-GUYANA
Saint Martin**

Investigation into the application of the provisions respecting the blocking of funds and other financial resources taken against the Afghanistan Taliban as well as other financial relationships with certain persons or entities

Examination of local action to prevent the use of proceeds of crime (money laundering)

Address

PO Box 672 – Bellevue
97057 SAINT-MARTIN CEDEX

Head Office

9 Quai du Président Paul Doumer
92400 COURBEVOIE

CIB: 18729 – CRB: 130

Investigation conducted by:

Pierre-Laurent CHATAIN
Banque de France inspector

Investigation dates:

- start: November 5, 2001
- end: November 16, 2001
- signed: January 11, 2002

Investigation No.: 2001-116AV

2.2.2 History of the most significant transactions and steps taken by BFC-AG

At this point, it seems useful to describe how the various accounts of the suspect entities have been operated over the past few years, what their situation is today, and how the bank reacted to them.

YOUSUF Isam Group

Island Appliance

Yousuf Isam is the owner in the Dutch zone of a business specialized in the sale of furniture called "Island Appliances". Two franc and dollar accounts were opened in February 1995 with the BFC-AG. Beginning in July 1996, the bank was intrigued by the very large cash transfers in the account of the party in question. However, the explanations provided by Mr. Isam were enough to appease the bank's concerns even though it does not have any accounting document allowing it to justify the fluctuations observed in the account given the stated business activity⁶. However, transactions which should have raised concerns are still taking place in the account without triggering the slightest reaction (cf. table infra). It was not until May 1998 that the bank made a suspicious transaction report to Tracfin (Schedule 5).

Noteworthy transactions observed in the account of YOUSUF Isam (Island Appliances)

Account Nos.	Date	Transaction	Amount	Beneficiary	Inspector's comments
60.63541.90.40 USD	04-07/96	Cash deposit	US\$1.6M	Himself	
	1996	Transfer	US\$1.4M	Himself (Cairo Ammam Bank in Jordan)	Information only brought to the attention of Tracfin in May 1998
	01/97	Cash deposits	US\$1.5M	Himself	These amounts were deposited in 10 consecutive transfers. At this point, at least a monitoring file should have been set up (s.

⁶ The file only contains one sheet dated December 1992 which merely mentions the total assets; it was only by letter dated July 16, 2001 that the BFC-AG asked for the usual accounting and financial documents for the first time.

10

					L. 563-3 of the CMF).
	02/97	Transfer	US\$2M	Sixteen Plus Corp. (Nova Scotia Bank AWI)	Information only brought to the attention of Tracfin in May 1998
	09/97	Transfer	US\$2M	Ibid	Ibid
	04/98	Transfer	US\$220K	Mohamad Abdel Qader (at West Bank-Israel)	
	10/07/98	Transfer	US\$300K	Ayed Yousef (Winward Island Bank/Sint Maarten)	Transaction not brought to the attention of Tracfin (s. L. 562-3 of the CMF)
	15/07/99	Transfer	US\$200K	Adnan Rahal	Ibid
	9/08/99	Transfer	US\$400K	Himself	Ibid
60.20186.90.00 FRF					This account is not very active.

Hamed Waleed

Hamed Waleed is the manager of a supermarket in St. Croix (U.S. Virgin Islands) belonging to his brother-in-law, Mohamad Yusuf Fathi (see infra). The party in question opened a dollar account at the BFC-AG in June 1996 in order to, according to him, avoid a certain tax on bank accounts in the Virgin Islands. His brother-in-law has a power of attorney over the said account. Mr. Waleed was the subject of a suspicious transaction report on May 28, 1998. Nonetheless, beginning in 1996, large sums of cash which seemed inconsistent with his status as the mere manager of this customer should legitimately have given rise to an information file under s. L. 563-3 of the *Code monétaire et financier*.

Notable transactions observed in account No. 60-63878.90 of Hamed Waleed				
Date	Transactions	Amount	Beneficiary	Inspector's comments
06 to 12/96	Cash deposits	US\$1.1M	Himself	These large cash transfers were not mentioned in the May 1996 report to

MINISTÈRE DE L'INTÉRIEUR

RÉPUBLIQUE FRANÇAISE

DIRECTION GÉNÉRALE
DE LA POLICE NATIONALE

DIRECTION CENTRALE
DE LA POLICE JUDICIAIRE

WEST INDIES-GUYANA
SERVICE RÉGIONAL
DE POLICE JUDICIAIRE

Saint Martin, May 14, 2003

Saint Martin Saint Barth Branch
Tel 05 90 29 08 40
Fax 05 90 29 20 24

Police Lieutenant Sylvain NICOLAS

to

The DIRECTOR of the West Indies-Guyana SRPJ
Under cover of the chain of command

- RE:** Money laundering, financing of terrorist activities, offences under legislation respecting illicit drugs and foreigners.
- MATTER:** Against YUSUF Fathi et al
- REFERENCES:** Requests for assistance from the U.S. Department of Justice, Instructions from the Crown Prosecutor for the *Tribunal de Grande Instance de Basse-Terre*.
- ATTACHMENTS:** Procedure No. 2002/078 including the original and a true copy of 48 reports and 37 exhibits.

I am pleased to send you the attached procedure, prepared according to your instructions by the Saint Martin Judicial Police Branch in connection with the above referred-to matter:

D-1

THE FACTS

On January 23, 2002, Mary Ellen Warlow, Director, Office of International Affairs, U.S. Department of Justice, sent France a request for assistance in connection with an investigation conducted into FATHI YUSUF and consorts.

The American judicial authorities were conducting an investigation to determine whether Fathi YUSUF and his accomplices were trafficking U.S. currency, laundering profits from illegal drug trafficking and trafficking illegal immigrants.

Also, the persons committing these offences, who might be supporting terrorist activities, had opened several bank accounts with the Saint Martin branch of the Banque Française Commerciale.

The American authorities asked for the following:

- copies of all documents from the Banque Française Commerciale (B.F.C.) regarding accounts No. 40606387790, 40606387890 and 40606388790.
- copies of all accounts with the Banque Française Commerciale opened by Waheed Mohamad Hamed, Fathi Yusuf, Waleed Mohamad Hamed and the companies Hamdam Diamond Corporation and Plaza Extra Supermarkets.
- copies of all documents authorizing the opening of the aforementioned accounts.
- testimony by bank employees or any other person of interest to the ongoing investigation.
- from the French police, proof that the subsequent transfers had taken place between the U.S. Virgin Islands, Saint Martin and Jordan.

THE INVESTIGATION

Our investigations and hearings allowed us to determine that:

1/ WITH RESPECT TO THE BANK ACCOUNTS OPENED:

The different bank requisitions sent to the Saint Martin branch of the Banque Française Commerciale (BFC) allowed us to determine that:

- **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,

D-3

Liteline Electrical N.V., the head office of which is in Sint Maarten and the agents of which are EL-YOUSEL Yousef, Ahmad and AL-YOUSEF Ghassan, Almad.

Ted Door Spéciality, the head office of which is in Sint Maarten and the agent of which is SALEH Yacoub Yousef

Middle East Group N.V. (trade name: Ace Home Center), the agents of which are YOUSEF Ahmad, El Yousef and GHASSAN A AL-YOUSEF.

Middle East Group N.V. (trade name: Penguin Air Condition), the agents of which are EL-YOUSEF Yousef Almad and GHASSAN A AL-Yousef.

Note that the report of a banking commission which conducted a control of the Saint Martin branch of the Banque Française Commerciale in 2001 said that: [Translation]
"Parliamentary report No. 2311 dated October 10, 2001 mentions a company named "Middle East International Group" domiciled in Switzerland (52 Bahnhof-Strasse, Zurich), the officer of which was Hassan Bin Laden, the brother of Osama Ben Laden".

Read and sent
The Police Commanding Officer
The Branch Chief

MINISTÈRE DE L'INTÉRIEUR

RÉPUBLIQUE FRANÇAISE

DIRECTION GÉNÉRALE
DE LA POLICE NATIONALE

DIRECTION CENTRALE
DE LA POLICE JUDICIAIRE

WEST INDIES-GUYANA
SERVICE RÉGIONAL
DE POLICE JUDICIAIRE

Saint Martin, May 14, 2003

Saint Martin Saint Barth Branch
Tel 05 90 29 08 40
Fax 05 90 29 20 24

Police Lieutenant Sylvain NICOLAS

to

The DIRECTOR of the West Indies-Guyana SRPJ
Under cover of the chain of command

RE: Money laundering, financing of terrorist activities, offences
under legislation respecting illicit drugs and foreigners.

MATTER: Against YUSUF Fathi et al

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- copies of all documents authorizing the opening of the aforementioned accounts.
- testimony by bank employees or any other person of interest to the ongoing investigation.
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- 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,

D-3

12 Canegeter Road Pondfill, Philipsburg, 99 000 Sint Maarten drawn on the Banque Française Commerciale.

This account was closed on March 27, 2002.

- **Dollar account No. 60638779040** was opened in the name of YUSUF Fathi on June 10, 1996.

The account agents were YOUSUF Fathi and HAMED Waleed.

This account was closed on September 4, 2000.

- **Dollar account No. 60638789040** was opened in the name of HAMED Waleed on June 10, 1996.

The attached documents were:

- a copy of passport No. 043576417 issued on September 8, 1992 in the name of HAMED Waleed Mohammad born on January 22, 1962 in Jordan, an American national.

- a copy of the signature card indicating that the agents for this account were HAMED Waleed and YOUSUF Fathi.

- statements (Exhibit 9) for account No. 40606387890 held by HAMED Waleed.

This account was credited with several cash deposits.

- **Dollar account No. 60638879040** was opened in the name of Hamdam Diamond Corporation on June 26, 1996. (Exhibit 8).

The attached documents were:

- a copy of the signature card indicating that the agents for this account were YOUSUF Fathi, HAMED Waleed and ISAM Mohamad, Yousuf. The manager of Hamdam Diamond Corporation was Fathi Yusuf MOHAMAD YUSUF.

- a copy of U.S. passport No. 043377662 issued on February 10, 1992 in Miami in the name of Fathi Yusuf MOHAMAD YUSUF.

- five documents relating to contracts between the BFC bank and YUSUF FATHI, the off-shore company HAMDAM DIAMOND CORPORATION, HAMED WALEED (manager of the Plaza Extra Supermarket) and the Dutch company TED DOOR SPECIALITY.

- a copy of the U.S. passports for MOHAMAD YUSUF Fathi Yusuf born on April 15, 1941 in Jordan, HAMED WALEED MOHAMMAD born on January 22, 1962 in Jordan, and ISAM MOHAMAD YOUSUF born on February 20, 1952 in Jordan.

- various correspondence (correspondence from HWANG Antoine addressed to Mr. FAURE (BFC General Inspection Department) dated August 24, 2000 stating that he had been asked by client Walled HAMED personally (40606387890) and on behalf of Hamdam Diamond Corporation (40 606388790) to transfer respectively US\$1,100.00 (*sic*) and US\$1,173,000 to Cairo Amman Bank in Amman, Jordan (a copy of three cheques payable to Walled Hamed drawn on the Banque Française Commerciale, held by Hamdam Diamond Corporation, YUSUF FATHI

D-4

and Hamed Waleed. These cheques dated August 11, 1996 are for amounts of US\$2,000,000, US\$400,000 and US\$400,000 respectively).

-a handwritten note by Mr. GUMBS commenting on the opening of the account.

-a copy of the statements for account No. 40 60 63887 90 with the Banque Française Commerciale held by Hamdam Diamond Corporation, 12 Cannegieter Road, Sint Maarten c/o ISAM YOUSUF for the period from June 26, 1996 to April 19, 2002.

Several cash deposits were credited to this account.

This account was closed on February 5, 2002.

- **Euro account No. 60193579000** opened in the name of the company "Liteline Electrical N.V." in April 1994 and having as agents EL-YOUSEL Yousef, Ahmad and AL-YOUSEF Ghassan, Almad. This account was closed on June 11, 2002
- **Dollar account No. 60633639040** opened in the name of the company Liteline Electrical N.V. on April 20, 1994. This account was closed on June 11, 2002.
- **Franc account No. 60209679000** opened in the name of the company "Ted Door Spéciality" on March 25, 1997 and having as agent SALEH Yacoub Yousef. This account was closed on December 16, 1999.
- **Dollar account No. 60638309040** opened in the name of the company "Ted Door Spéciality" on April, 16 1996 and having as agent SALEH Yacoub Yousef. This account was closed on December 16, 1999.
- **Franc account No. 60224869000** opened in the name of the company "Middle East Group N.V." (trade name: Ace Home Center) on February 16, 1998 and having as agents YOUSEF Ahmad, El Yousef and GHASSAN A AL-YOUSEF. This account was closed on October 2, 2000.
- **Dollar account No. 60643529040** opened in the name of the company "Middle East Group N.V." (trade name: Ace home Center) on February 16, 1996 and having as agents YOUSEF Ahmad El Yousef and GHASSAN A Al-Yousef. This account was closed on September 15, 2000.
- **Euro account No. 60226719000** opened in the name of the company Middle East Group N.V. (trade name: Penguin Air Condition)

D-5

on April 29, 1998 and having as agents EL-YOUSEF Yousef Almad and GHASSAN A AL-Yousef.

This account was closed on April 18, 2002.

- **Dollar account No. 60644129040** opened in the name of company "Middle East Group N.V." (trade name: Penguin Air Condition) on April 29, 1998 and having as agents EL-YOUSEF Yousef Almad and GHASSAN A AL-Yousef.

This account was closed on April 18, 2002.

2/ WITH RESPECT TO OUR FINDINGS:

The examination of the account statements and attached documents made it possible to determine that:

- The holders of the above-mentioned accounts are American nationals, although they were born in Jordan and Kuwait.
- Fathi YUSUF and his friends deposited several million dollars (USD) in accounts opened at the Banque Française Commerciale (BFC).
- These deposits, essentially consisting of cash deposits, seem out of proportion with the activities of Hamdam Diamond Corporation (an off-shore company registered in Anguilla and run by Mohamad Fathi Yusuf), Middle East Group N.V. (a company set up in Sint Maarten which is run by Youssef Hamad El Youssef and Ghassan Ahmad Mohammed Al Youssef), Island Appliances N.V. (a company set up in Sint Maarten).
- Many transfers were made in favor of bank accounts located in Jordan, Kuwait and the United States:
 - Hamed Waleed Mohamed, holder of account No. 60 63878.90, transferred several million dollars to his bank account with Cairo Ammam Bank in Jordan.
 - Hamdam Diamond Corporation, the holder of account No. 60 63887 90, transferred in favor of Hamed Waleed Mohamed over three million dollars to his bank account with Cairo Ammam Bank in Jordan.
 - Isam Mohamad Youssuf, holder of account No. 6063541 90, transferred to his account with Cairo Ammam Bank in Jordan (\$1,400,000 in 1996) in favor of Sixteen Plus Corporation in the U.S. Virgin Islands which has an account with [the Bank of] Nova Scotia (\$2,000,000 dollars in 1997), in favor of Mohamad Abdel Qader Hamed, holder of a bank account with the Arab Bank in Israel (\$220,000 in 1998) and in favor of Ayed Youssef, holder of an account with Winward Island Bank in Sint Maarten.

- Al Yousef Sami Al Yousef, holder of account No. 60 64137.90, transferred over \$660,000 in favor of Ahmad Yousef Mohamad (holder of an account with Cairo Ammam Bank in Jordan).
 - Middle East Group N.V., holder of account No. 606441290, transferred a large sum of money in favor of Hamad Youssef Mohammad, Atef Khalil Al Aswad, Riad Ahmad Attar and Aca Hardware Corporation, the head office of which is in Illinois (United States).
- Yusuf Fathi and members of his family run United Corporation registered on the Island of St. Croix (U.S. Virgin Islands), under the trade name "Plaza Extra".
 - In September 2001, Yusuf Fathi was found guilty by U.S. courts of having employed foreigners in an irregular situation.
 - The American judicial authorities were noticing significant differences between the actual activity of supermarkets run by Yusuf Fathi and the very large cash deposits made to accounts opened with the Bank of Nova Scotia. During a search and seizure carried out in the supermarkets and at the homes of Yusuf Fathi and his sons, the Federal Bureau of Investigation (FBI) seized documents mentioning the opening of several accounts with the Saint Martin branch of the Banque Française Commerciale.
 - Investigations conducted by the FICOBA cell regarding YUSUF Fathi, WALEED Mohammad Hamed, Hamdam Diamond Corporation and United Corporation were remaining unsuccessful.

3) WITH RESPECT TO THE TESTIMONY

Several employees of the Banque Française Commerciale branch testified:

a) Alexandre GUMBS:

Heard at the border police offices at Saint Barthélemy, Alexandre GUMBS declared that:

- From 1994 to December 1999, he was a business adviser at the Marigot branch of the Banque Française Commerciale in Saint Martin.
- He had opened accounts No. 60201869000, 60635419040, 60638779040, 60638789040 and 60638879040 held by YOUSUF Isam (euro and dollar account), YOUSUF Fathi, HAMED Waleed and Hamdam Diamond Corporation respectively.

- He had been contacted in 1994 by YOUSUF Isam, who wanted to open an account with the BFC.
- He had prepared and sent a report to management on the potential clients and management would allow or not allow the account to be opened.
- YOUSUF Isam owned the Home Appliances store located in Sint Maarten.
- Later, YOUSUF Isam introduced his uncle, YOUSUF Fathi, who was accompanied by his son-in-law, HAMED Waleed.
- Over the years, he had prepared reports pointing out the unusual manner in which the various bank accounts were operated.
- Several suspicious activity reports were sent to T.R.A.C.F.I.N. because there was no logical explanation for these movements of money between the Virgin Islands, Jordan and Saint Martin.

b) Liliane PAGE:

Heard at our offices, Liliane PAGE declared that:

- She was in charge of the branches of the Banque Française Commerciale in the northern islands.
- The current manager of the Saint Martin branch of the Banque Française Commerciale is Christophe LASSUS-LALANE and his predecessor was Philippe ERB.
- She confirmed the statements made by Alexandre GUMBS.
- The Banque Française Commerciale had opened accounts No. 60201869000, 60635419040, 60638779040, 60638789040 and 60638879040, the respective holders of which were YOUSUF Isam (euro and dollar account), YOUSUF Fathi, HAMED Waleed and Hamdam Diamond Corporation.
- Several suspicious activity reports were sent to T.R.A.C.F.I.N. since there was no logical explanation for these movements of money between the Virgin Islands, Jordan and Saint Martin.
- The BFC had decided to close these accounts in 2001 and 2002 since the banking commission had warned us that the holders might have been supporting terrorists.

c) Christophe LASSUS LALANE:

Heard at our offices, Christophe LASSUS LALANE declared that:

- He was the current manager of the Saint Martin branch of the Banque Française Commerciale and his predecessor was Philippe ERB.
- He confirmed the statements made by Liliane PAGE.

- The Banque Française Commerciale had opened accounts No. 60201869000, 60635419040, 60638779040, 60638789040 and 60638879040, the respective holders of which were YOUSUF Isam (euro and dollar account), YOUSUF Fathi, HAMED Waleed and Hamdam Diamond Corporation.
- Several suspicious activity reports were sent to T.R.A.C.F.I.N. since there was no logical explanation for these movements of money between the Virgin Islands, Jordan and Saint Martin.
- Until 2001, the BFC sent our General Inspection Department a copy of the transactions which it considered suspicious.
- The BFC had decided to close these accounts in 2001 and 2002 since the banking commission had warned the BFC that the holders might have been supporting terrorists. Also, the BFC had noticed that the holders were not updating all their files and that there were tremendous differences between the substantial deposits and the balance sheets provided in 2002.
- In 1998 and 2001, the BFC had not received any response or request for information from T.R.A.C.F.I.N.

d) Philippe ERB:

Heard in our offices, Philippe ERB declared that:

- He was the manager of the Saint Martin branch of the Banque Française Commerciale from 1993 to 1997.
- He confirmed the statements by Liliane PAGE and Mr. LASSUS LALANE, the current manager of the Saint Martin branch of the BFC.
- The Banque Française Commerciale had opened accounts No. 60201869000, 60635419040, 60638779040, 60638789040 and 60638879040, the respective holders of which were YOUSUF Isam (euro and dollar account), YOUSUF Fathi, HAMED Waleed and Hamdam Diamond Corporation.
- YOUSUF Fathi had said that he owned supermarkets on the Islands of St. Croix and St. Thomas (U.S. Virgin Islands).
- There was no safe at the Saint Martin branch of the BFC.
- More specifically, the main counter looked after customers or security guards who came to deposit substantial amounts of money.
- It was also possible to deposit cash at night through the night deposit system.
- Several suspicious activity reports were sent to T.R.A.C.F.I.N. since there was no logical explanation for these movements of money between the Virgin Islands, Jordan and Saint Martin.
- Accompanied by Mr. GUMBS, he had met with two officers from these companies but he did not remember who they were and would have been unable to recognize them if they were shown to him.
- He helped the police by providing them with all the information they asked for.

Identities of individuals and companies:**YOUSUF Isam.**

YOUSUF Isam, living at Pondfill, 12 Cannegeter Road, Philipsburg, Sint Maarten, an American national.

ISAM MOHAMAD YOUSUF, born in Jordan on February 20, 1952.

YOUSUF Isam Mohamad held ID card No. 31570 issued by Sint Maarten on September 27, 1999.

YOUSUF Isam Mohamad also held an American passport issued on September 11, 1986.

Sixteen Plus Corporation, St. Thomas, Tel.: 809 775 5646 (account No. 058 00039411 with the Bank of Nova Scotia, Sunny Isle Branch, P.O. Box 773, St. Croix, US.

ISAM YOUSUF was also domiciled at Garden Street, Amman, Jordan (account No. 0250317114200 with the Cairo Amman Bank, Jordan, swift code CAAB JO AM).

HAMED Waleed Mohammad, born on January 22, 1962 in Jordan, is an American national and the holder of passport No. 043576417 issued on September 8, 1992.

Hamdam Diamond Corporation

The manager of Hamdam Diamond Corporation was Fathi Yusuf MOHAMAD YUSUF, the holder of American passport No. 043377662 issued on February 10, 1992 in Miami.

The head office of HAMDAM DIAMOND CORPORATION is P.O. BOX 174, Airport Road, The Valley Anguilla (off-shore company), and its officer is YUSUF FATHI MOHAMAD born on 04/15/1941.

MOHAMAD YUSUF Fathi Yusuf, born on April 15, 1941 in Jordan.

HAMED WALEED MOHAMMAD, born on January 22, 1962 in Jordan.

AHMAD YOUSEF MOHAMMED YOUSSEF, holder of account No. 0252017010100 at the Cairo Amman Bank, Garden Branch, Jordan.

ATEF KHALIL AL ASWAD, holder of account No. 0213732560301 in Kuwait.

RIAD AHMAD ATTAR.

ACA HADWARE CORPORATION, the head office of which is in the State of Illinois, USA.

Liteline Electrical N.V., the head office of which is in Sint Maarten and the agents of which are EL-YOUSEL Yousef, Ahmad and AL-YOUSEF Ghassan, Almad.

Ted Door Spéciality, the head office of which is in Sint Maarten and the agent of which is SALEH Yacoub Yousef

Middle East Group N.V. (trade name: Ace Home Center), the agents of which are YOUSEF Ahmad, El Yousef and GHASSAN A AL-YOUSEF.

Middle East Group N.V. (trade name: Penguin Air Condition), the agents of which are EL-YOUSEF Yousef Almad and GHASSAN A AL-Yousef.

Note that the report of a banking commission which conducted a control of the Saint Martin branch of the Banque Française Commerciale in 2001 said that: [Translation]
"Parliamentary report No. 2311 dated October 10, 2001 mentions a company named "Middle East International Group" domiciled in Switzerland (52 Bahnhof-Strasse, Zurich), the officer of which was Hassan Bin Laden, the brother of Osama Ben Laden".

Read and sent
The Police Commanding Officer
The Branch Chief