

not possible by him, and not required by Rule 34(a)(1) of the Virgin Islands Rules of Civil Procedure.

That having been said, this motion now takes a turn which will undoubtedly propels it to the top of the list of those motions in civil cases which can best be described as falling within the category of "Ripley's Believe It or Not." The Sixteen Plus Corporation in this motion boldly asserts that its principals fraudulently, criminally, and illegally skimmed money from the Plaza Extra Supermarkets in St. Croix to avoid the payment of taxes in the United States Virgin Islands, and sent it to the island of St. Maarten for some nefarious purpose. It is alleged that these same fruits of an illegal criminal enterprise were in fact used to purchase the Diamond Keturah property, and that the Note and Mortgage given to Manal Yousef by the Sixteen Plus Corporation is a sham and therefore null and void. The attorneys for Sixteen Plus profess in their Motion that this will be proven at trial. The Sixteen Plus Corporation and its representatives and attorneys are seeking to benefit from the past criminal activity of the Corporation and its principals which would make a mockery of the doctrine of unclean hands.

This statement by the attorney for the Sixteen Plus Corporation begs the question of why would it be necessary to look at the commercial bank records of the company no longer in business which, by their own statement, did not generate the money which is an issue in this case. They have the records and, therefore, they do not need an order from this Court to compel a meaningless search of bank records in St. Maarten.

The unbelievable request in this case is not just to look at bank records in St. Maarten, but to permit the police and prosecutors in St. Maarten to conduct this undertaking or to in any way be involved in a document production in a civil lawsuit. See **Exhibit A**, attached. This request continues to be made despite denials that Sixteen Plus Corporation and its representatives and attorneys are threatening criminal prosecution as a means of advancing the issues in this litigation, which is a patently unethical means of prosecuting a lawsuit.

Sixteen Plus Corporation has control of all of its business banking and related records, as well as the records of its representatives, Hisham Hamed and Wally Hamed. Therefore, it knows what money was sent to St. Maarten which was skimmed from the Plaza Extra Supermarket, where it was deposited, and how it was withdrawn. The Sixteen Plus Corporation and its representatives and attorneys have taken great pride in producing tens of thousands of records generated by the Federal Bureau of Investigation in the course of the prosecution of Waleed Hamed for tax evasion and other crimes. Indeed, the very motion filed herein cites and references searches in St. Maarten of bank records as part of the FBI investigation. Sixteen Plus Corporation, its representatives and attorneys, have copies of all of those documents, which are in effect the same documents and investigations which they now seek to discover through this production of documents making it nothing more than a threatening, harassing, and intimidating exercise for no good purpose.

Finally, five years ago Isam Yousuf made his own requests to the bank for copies of records relevant to the issues in this litigation. He was eventually notified that the

bank has no such records in its possession, and as a consequence he is unwilling, and should not be compelled, to execute an authorization for others to search for records which do not exist.

WHEREFORE, it is respectfully requested that the Plaintiff's Second Motion to Compel be denied.

Respectfully Submitted:

DATED: December 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

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CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd day of December, 2022, as an approved C-Track filer on behalf of James L. Hymes, III, I caused an exact copy of the foregoing ***“Defendant Isam Yousuf’s Response to Plaintiff Hisham Hamed’s Second Motion to Compel: As to Bank Account Documents in the Control of Isam Yousuf”*** to be served electronically through the C-Track system upon the following counsel of record.

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Attorneys for Sixteen Plus Corporation

/s/ Rauna Stevenson-Otto

Rauna Stevenson

From: Carl Hartmann <carl@carlhartmann.com>
Sent: Sunday, December 4, 2022 7:08 PM
To: Jim Hymes; Rauna Stevenson
Cc: Kim Japinga
Subject: Proposed stip order -- Access to the BFC docs Isam?island
Attachments: Proposed stipulated order for Isams bank docs.docx



Jim:

Are you good with the proposed stipulation attached.....and can I ask a question? You said that you would provide access to the BFC accounts statements—I take it that this does not mean Isam can supply them, but rather that you will provide the letters of permission signed by him?

The proposed order exactly follows what I said below—the only change I made was to expand the time from 1997 to 2004 (date of the 3rd Superseding Indictment which defines his blanket immunity.) Change it back if that bothers you—I would prefer 2002, as that is when I believe the account was closed....but...

“he need only identify and supply access to statements for (1) all of the BFC accounts, and (2) to any accounts where that he says the gift deposits were put into..... And I need a stipulated order.”

If it is good, sign it and return to me and I will file. If you want changes, make them, and return the revised Word file to me—I’ll let you know immediately if its ok, and if not, I will return a marked up copy to you.

If you do not wish to do so any longer—please drop me a brief email to let me know that no signed/countered file will be coming, and I will desist.

Carl

CARL J. HARTMANN III
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From: Carl Hartmann <carl@carlhartmann.com>
Sent: Thursday, December 1, 2022 1:43 PM

**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 YOUSUF

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

ORDER

THIS MATTER having come on before the Court on the second motion of Hisham Hamed to compel discovery responses regarding banking information from Isam Yousuf; and the Court being informed, and the parties having **STIPULATED** to the matters therein, in it hereby:

ORDERED that Isam Yusuf shall:

(1) within seven (7) days, provide a letter addressed to the St. Martin Judicial Police, the St. Martin prosecutor's office and to the Banque Francaise Commerciale, whose formal titles and addresses will be supplied by Hamed's French counsel on St. Martin, that will state his permission for Attorneys Hartmann and Andre to view and copy all records of the accounts of Isam Yousuf and Island Appliances for the period from 1990 through the end of 2004, and will attach this order thereto. Hamed will bear the costs. And,

(2) he will either (a) provide a statement as to what other accounts, beyond accounts at BFC, gift deposits from his father Mohammad were made--to or for the benefit of--Isam's sister Manal Yousef—but this need only be as to gifts she alleges she used for the \$4.5 million loan to Sixteen Plus, and provide a similar letter for access for those accounts for the relevant dates, or (b) a statement that that no such gifts were deposited into accounts other than Isam's/Island Appliances' BFC accounts.

SO ORDERED.

Dated: _____, 2022

Douglas A. Brady
Judge of the Superior Court

ATTEST: TAMARA CHARLES,
Clerk of the Court

By: Court Clerk Supervisor

Approved:

James Hymes, Esq.
For Isam Yousuf

Approved:

Carl Hartmann, Esq.
For Hisham Hamed