

**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**

**MIKE YUSUF’S OBJECTIONS AND CLAIMS  
OF PRIVILEGE TO RULE 31 WRITTEN QUESTIONS**

Deponent **MIKE YUSUF**, though his counsel, **DUDLEY NEWMAN FEUERZEIG LLP**, hereby submits his objections and claims of privilege in response to the questions contained in Hisham Hamed’s Notice of Rule 31 Deposition on Written Questions.

**Deposition question #1:**

Describe in detail (with reference to the persons involved, the dates and the actions) all acts between 1995 and 2000, in which you were involved in any of the following acts—if you cannot recall any or all specific instances, please describe what you did generally.

- A. You personally removed unreported (to tax authorities) funds from Plaza Extra cash registers in the form of cash.
- B. You directed one or more others in the removal of unreported funds from Plaza Extra cash registers in the form of cash.

- C. You personally failed to add such cash removed from Plaza Extra on United's or Plaza Extra's income tax filings.
- D. You directed one or more others not to add such cash removed from Plaza Extra on United's or Plaza Extra's income tax filings.
- E. You personally removed such unreported cash from Plaza Extra to be converted to the use of you, your family members, the Hameds or the Hamed family members—or entities owned or controlled by any of them.
- F. You personally removed such cash from Plaza Extra--to be converted to the use of you, your family members, the Hameds or the Hamed family members—or entities owned or controlled by any of them.
- G. You personally caused such cash removed from Plaza Extra--to be converted to the use of you, your family members, the Hameds or the Hamed family members—or entities owned or controlled by any of these persons or entities.
- H. You personally took such cash removed from Plaza Extra to St. Maarten.
- I. You caused such cash removed from Plaza Extra to be transported by someone else to St. Maarten.
- J. You transported cash removed from Plaza Extra to Jordan or the West Bank.
- K. You caused such cash removed from Plaza Extra to be transported by someone else to Jordan or the West Bank.
- L. You personally caused such cash removed from Plaza Extra to be sent by wire, telex, money order or other non-human means traveling to St. Maarten.
- M. You personally caused such cash removed from Plaza Extra to be sent by wire, telex, money order or other non-human means traveling to Jordan or the West Bank.
- N. You personally deposited such funds in a bank on St. Martin or in Jordan or the West Bank.
- O. You caused another person to deposit such funds in a bank on St. Martin or in Jordan or the West Bank.
- P. You personally or had someone else use such cash removed from Plaza Extra to purchase land in St. Martin, Jordan, or the West Bank.
- Q. You personally used such cash removed from Plaza Extra to purchase land in the USVI—this shall include purchase by you, your family or entities owned fully or partly by them, such as Plessen Enterprises, Peter's Rest, J&S or East-West.

- R. You had someone else use such cash removed from Plaza Extra to purchase land in the USVI—this shall include purchase by you, your family or entities owned fully or partly by them, such as Plessen Enterprises, Peter’s Rest, J&S or East-West.
- S. You assisted your father in using such cash removed from Plaza Extra to purchase land in the USVI—this shall include purchase by you, your family or entities owned fully or partly by them, such as Plessen Enterprises, Peter’s Rest, J&S or East-West.
- T. You know of your father using such cash removed from Plaza Extra to purchase land in the USVI—this shall include purchase by you, your family or entities owned fully or partly by them, such as Plessen Enterprises, Peter’s Rest, J&S or East-West.
- U. As to any such funds you personally took to St, Martin, to whom did you give it, and what do you believe they did with it?
- V. As to any such funds you caused to be sent to St, Martin, to whom was it given, and what do you believe they did with it?
- W. As to any such funds you personally took to Jordan or the West Bank, to whom did you give it, and what do you believe they did with it?
- X. As to any such funds you caused to be sent to Jordan or the West Bank, to whom was it given, and what do you believe they did with it?
- Y. As to any such funds you personally used in the USVI, to whom did you give it, and what do you believe they did with it?
- Z. As to any such funds you caused to be used in the USVI, to whom was it given, and what do you believe they did with it?
- AA. As to any such funds you assisted you father with, to whom did he give it, and what do you believe they did with it?
- BB. As to any such funds know of your father using on St. Martin, in Jordan or the West Bank or in the USVI, to whom was it given, and what do you believe they did with it?
- CC. Describe the removal of unreported funds from Plaza Extra by means other than by taking cash from cash registers.
- DD. If there was the removal of unreported funds from Plaza Extra by means other than by taking cash from cash registers—was the means of transport, deposit and use different than your responses as to funds taken from the registers? If so, how?

**OBJECTION/CLAIM OF PRIVILEGE:** Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence, Fifth Amendment privilege against self-incrimination.

**Deposition question #2:**

For any of the cash or other removed amounts described in response to deposition question #1, whether it first went elsewhere or not--state whether some of that cash was used in the USVI or Puerto Rico. For each such amount state:

- A. Approximately what amounts do you know that were used in the USVI.
- B. When that occurred.
- C. What means was used to pay the amount.
- D. What that amount was used for.
- E. In the case of the use of funds by your father to purchase option contracts through Merrill Lynch, describe what you know about that activity, including the use of Hamdan Diamond or its accounts.

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence, Fifth Amendment privilege against self-incrimination.

**Deposition question #3:**

- F. In the case of the use of funds by your or your family and the Hameds to funds the purchase of land for Plessen Enterprises describe what you know about that activity, including the use of Hamdan Diamond or its accounts.
- G. In the case of the use of funds by your or your family and the Hameds to funds the purchase of land for Peter's Farm describe what you know about that activity, including the use of Hamdan Diamond or its accounts.
- H. In the case of the use of funds by your or your family and the Hameds to funds the purchase of land for Y&S describe what you know about that activity, including the use of Hamdan Diamond or its accounts.

- I. What part did you personally play in any such purchases (as described in answer to the three preceding questions)?

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Foundation, Assumes Facts Not in Evidence.

**Deposition question #4:**

For any of the cash or other removed amounts described in response to deposition questions 2 and 3, state whether some or all of that cash was used to buy land in Jordan or the West Bank.

- A. What amount (approximate).
- B. What that amount was used for.
- C. What land was bought, under what name(s) and for how much.
- D. What land is still owned and by whom.
- E. What part did you personally play in any of those purchases?

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence.

**Deposition question #5:**

For any of the cash or other removed amounts described earlier as going to St. Martin, describe in detail what part Isam played in the receipt, deposit, withdrawal sending and use of those funds.

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence.

**Deposition question #6:**

For any of the cash or other removed amounts described earlier as going to St. Martin, describe in detail what part Manal played in the receipt, deposit, withdrawal sending and use of those funds.

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence.

**Deposition question #7:**

For any of the cash or other removed amounts described earlier as going to St. Martin, describe in detail what part Yussrah played in the receipt, deposit, withdrawal sending and use of those funds.

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence.

**Deposition question #8:**

For any of the cash or other removed amounts described earlier as going to St. Martin, describe in detail what part Jamil played in the receipt, deposit, withdrawal sending and use of those funds.

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence.

**Deposition question #9:**

For any of the cash or other removed amounts described earlier as going to St. Martin, describe in detail what part Mohammad Hamdan (aka Mohamad Yusuf) played in the receipt, deposit, withdrawal sending and use of those funds.

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence.

**Deposition question #10:**

For any of the cash or other removed amounts described earlier as going to St. Martin, describe in detail what part Isam played in the receipt, deposit, withdrawal sending and use of those funds.

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence.

**Deposition question #11:**

For any of the cash or other removed amounts described earlier as going to St. Martin, describe in detail what you know about the use of:

- A. Your Father's BFC bank account on St. Martin.
- B. Wally's BFC bank account on St. Martin.
- C. Isam's two BFC bank accounts on St. Martin.
- D. The Hamdan Diamond BFC bank account on St. Martin.

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence, Fifth Amendment privilege against self-incrimination.

**Deposition question #12:**

In early 1995, Isam ran and managed a small furniture/appliance store—Island Appliances:

- A. Do you know whether Island Appliances was a corporation, a sole proprietorship or a partnership?
- B. Do you know whether there were other owners or operators of the business?
- C. Did you ever go inside the store? If so, describe the size, condition, and what was for sale.
- D. How many times did you visit the store between 1995- and 2000?
- E. How many time were you on St. Martin between 1995 and 2000?

- F. Did you, United, Plaza Extra or any other business owned by one or more Yusuf family members ever ship products to Island Appliances? If so, please describe (approximately) what, how much, how often and the value.
- G. Did you, United, Plaza Extra or any other business owned by one or more Yusuf family members ever ship mattresses to Island Appliances? If so, please describe (approximately) what, how much, how often and the value.

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence.

**Deposition question #13:**

Your Uncle, Mohammad, do you know his name as a child? If so, what was it?

- A. Do you know when and how it was changed to Mohammad Hamdan? If so, please state what you know.
- B. Do you know if he was arrested or served time in jail? If so, please state what you know.
- C. Do you know what he did for a living in the 1990's? If so, please state what you know.
- D. Do you know if he had any significant real estate or financial holdings during the 1990's? Is so, please state what you know.
- E. How often did he visit the USVI during the 1990's?
- F. Were you ever told of his gifts to his daughter Manal, if so, please state what you know.
- G. Were you ever told when and how he passed away? If so, please state what you know.

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence.

**Deposition question #14:**

Early in 1996, your father, Fathi, began creating a shell company in Anguilla.

- A. Were you personally involved in the creation, operation, funding or accounts of that entity? If so, please state what you know.
- B. Did you personally ever transact any business with or for that entity? If so, please state what you know.



- C. Did you personally ever deposit or withdraw any funds to or from that entity's STB BFC accounts? If so, please state what you know.
- D. Do you know the entity's name, its directors, its shareholders or its current status? If so, please state what you know.
- E. Do you know anything about that entity trading in options through Merrill Lynch? If so, please state what you know.

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence.

**Deposition question #15:**

Please state what you know about the following transactions on BFC accounts on St. Martin in 1996.

- A. The July 1996 BFC statement for the Hamden Diamond account shows several deposits of \$50,000 and two for \$200,000. The address on the account is Island Appliances - 12 Cannegieter Road Philip C/O Isam Yousuf, Sint Maarten.
- B. The July 1996 statement for my "Wally" BFC account, correctly shows there were 7 large deposits and the balance went from \$95k to \$415k. These statements were also sent to the Island Appliance address 'c/o Isam'
- C. In the August 1996 BFC statement for the Hamden Diamond account, Isam is again the addressee at the Island Appliances address. The amount was, by then, going up rapidly. The balance was over \$2.3 million.
- D. In a September 12, 1996, letter from Fathi to Mr. Gumbs at BFC, Fathi directed the bank to pay a check for \$2 million "issued and signed" by Waleed Hamed. He stated: "please pay check no. 3633491 in the amount of two million dollars drawn on Hamdan Diamond Corporation, account no. 040606388790.
- E. On September 17, 1996, a \$2 million check was negotiated from the BFC Hamden Diamond account—exactly as Fathi had directed in his written instructions to the bank.
- F. The December BFC statement for Hamden Diamond shows that \$2 million was now gone and the balance was back down to \$300k.
- G. A French Banking Commission Report states that during January 31, 1997, in preparation for the transfer of \$2 million from Isam's Island Appliance account, in just that one month Isam "deposited, in 10 consecutive transfers" \$1.5 million in cash to bring the balance up over the \$2 million needed.

[sic] G. Do you know if is true that Fathi Yusuf was totally in control of the Hamdan Diamond account and funds—or how that was converted to cash for Isam to transfer forward for use in buying the land?

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence, Fifth Amendment privilege against self-incrimination.

**Deposition question #17:**

- A. State what you know about an August 1, 1997 letter from Andy Simpson to Fathi in which Fathi is running the Diamond Keturah acquisition, not me. It discusses the survey, the title commitment, a problematic lien and Fathi not wanting the Marshal's Deed at this time.
- B. State how decisions were made by Sixteen Plus about the Diamond Keturah Land in 1997-1998. What was your position and what did you really do? What was your father's position and what did he really do?

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence, Fifth Amendment privilege against self-incrimination.

**Deposition question #18:**

From 1998 through 2013 Sixteen Plus Corporation filed tax returns and corporate filings in the USVI:

- A. Were you ever involved in the preparation or filing of any of those document? If so, please state how.
- B. On December 31, 1998, Sixteen Plus Corporation's 998 tax return had a spreadsheet attached to it that showed \$4,522,261 as "loans from stockholders." No amount is listed on the available lines for any mortgages or notes. Do you know anything about how that information was entered on those forms?
- C. Similarly, the 1999 tax return filing for Sixteen Plus signed by Fathi under penalty of perjury shows no notes or mortgages on the available lines but does show \$4,708,261 in "loans from shareholders". Do you know anything about that?

- D. The 2000 USVI Annual Corporate Report for Sixteen Plus shows \$4,708,467 in a "Loan to Shareholders" under "Liabilities and Shareholders' Equity". There is no amount listed for the Manal Note/Mortgage . Do you know anything about that? If yes, what?
- E. Despite the indictment and the intense scrutiny you were all under during the 2000's, the USVI tax and corporate filing always carried the amount for Diamond Keturah as a "loan from Shareholder" and always represented there was no note or mortgage. Do you know anything about that? If yes, what?
- F. For example, the 2009 USVI Annual Corporate Report for Sixteen Plus shows "Loan to Shareholders" under "Liabilities and Shareholders' Equity". There is no entry for "Mortgages" and thus no amount listed for the Manal Note/Mortgage. Do you know anything about that? If yes, what?
- G. The 2009 USVI Tax Filing for Sixteen Plus shows "Loan from Shareholders" of 4,710,626. There is a line for "Mortgages" and no amount listed for the Manal Note/Mortgage. Do you know anything about that? If yes, what?
- H. [sic] H. The 2010 USVI Tax Filing for Sixteen Plus shows "Loan from Shareholders". There is a line for "Mortgages" and no amount listed for the Manal Note/Mortgage. Do you know anything about that? If yes, what? H. The 2010 USVI Tax Filing for Sixteen Plus shows "Loan from Shareholders". There is a line for "Mortgages" and no amount listed for the Manal Note/Mortgage. Do you know anything about that? If yes, what?
- I. [sic] I. Similarly, after the 2010 Plea Agreement, at the end of 2011, Sixteen Plus filed a tax return signed by Fathi Yusuf under penalty of perjury, in which he states there are no mortgages, but that \$4,710,626 is due as "Loans from Shareholders". Do you know anything about that? If yes, what?
- J. [sic] 85. Long after the 2010 Plea Agreement, the June 19, 2012 USVI Domestic Corporation Report is signed by Fathi and Wally and states no mortgage—but "shareholder loans" of \$4,710,626. Do you know anything about that? If yes, what?
- K. [sic] 86. On September 25, 2012, the Sixteen Plus Corporation filed the USVI Annual Report on Domestic or Foreign Corporations with the Virgin Island's Lt. Governor's office showing that Mohammad Hamed, Fathi Yusuf and Wally were Directors of the corporation. Do you know anything about that? If yes, what?

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Compound, Foundation, Assumes Facts Not in Evidence, Fifth Amendment privilege against self-incrimination.

**Deposition question #19:**

- a. Describe in detail any communications you, personally, have had with Manal Yousef from 2015 to date regarding the note, mortgage or litigation regarding Diamond Keturah.
- b. Describe in detail any communications you, personally, have had with Fathi Yusuf from 2015 to date regarding the note, mortgage or litigation regarding Diamond Keturah.
- c. Describe in detail any communications you, personally, have had with Jamil Yousuf from 2015 to date regarding the note, mortgage or litigation regarding Diamond Keturah.
- d. Describe in detail any communications you, personally, have had with Isam Yousuf from 2015 to date regarding the note, mortgage or litigation regarding Diamond Keturah.
- e. Describe in detail any communications you, personally, have had with James Hymes, Esq. from 2015 to date regarding the note, mortgage or litigation regarding Diamond Keturah.

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Work Product Protection.

**Deposition question #20:**

- A. Describe in detail your personal involvement in the legal action your father brought on St. Thomas in 2015 by which he sought to have Sixteen Plus ended and the mortgage for Diamond Keturah foreclosed. (344)
- B. Describe in detail your personal involvement in the legal action Sixteen Plus brought on St. Croix in 2016 seeking declaratory judgment that Manal's note and mortgage were shams. (65)
- C. Describe in detail your personal involvement in the legal action Manal brought on St. Croix in 2017 by which she sought to foreclose the mortgage on Diamond Keturah. (342)
- D. Describe in detail your personal involvement in this legal action. (650)

**OBJECTION/CLAIM OF PRIVILEGE:**

Relevance, Overbreadth, Vagueness, Work Product Protection.

Respectfully Submitted,

**DUDLEY NEWMAN FEUERZEIG LLP**

**DATED:** March 16, 2023

By: /s/ Stefan B. Herpel  
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**CERTIFICATE OF SERVICE**

It is hereby certified that on the 16th day of March, 2023, the foregoing **MIKE YUSUF'S OBJECTIONS AND CLAIMS OF PRIVILEGE TO RULE 31 WRITTEN QUESTIONS**, was served via e-mail addressed to:

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