

**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, JAMIL
YOUSUF, and MANAL YOUSEF**,
Defendants,

and

SIXTEEN PLUS CORPORATION,
a nominal Defendant.

SIXTEEN PLUS CORPORATION,
Plaintiff,

v.

MANAL MOHAMMAD YOUSEF,
Defendant,

and

MANAL MOHAMMAD YOUSEF,
Counter-Plaintiff,

v.

SIXTEEN PLUS CORPORATION,
Counter-Defendant.

MANAL MOHAMMAD YOUSEF,
Plaintiff,

v.

SIXTEEN PLUS CORPORATION,
Defendant,

and

SIXTEEN PLUS CORPORATION,
Counter-Plaintiff,

v.

MANAL MOHAMMAD YOUSEF,
Counter-Defendant,

and

SIXTEEN PLUS CORPORATION,
Third-Party Plaintiff,

v.

FATHI YUSUF,
Third-Party Defendant.

Case No.: SX-2016-CV-00650

DERIVATIVE SHAREHOLDER
SUIT, ACTION FOR DAMAGES
AND CICO RELIEF

JURY TRIAL DEMANDED

CONSOLIDATED WITH

CIVIL NO. SX-2016-CV-00065

ACTION FOR
DECLARATORY JUDGMENT,
CICO and FIDUCIARY DUTY

COUNTERCLAIM

JURY TRIAL DEMANDED

CONSOLIDATED WITH

CIVIL NO.: SX-2017-CV-00342

ACTION FOR DEBT AND
FORECLOSURE

COUNTERCLAIM FOR
DAMAGES

THIRD PARTY ACTION

JURY TRIAL DEMANDED

**SIXTEEN PLUS CORPORATION'S
MOTION TO DISMISS THIRD PARTY COMPLAINT (342)
AGAINST FATHI YUSUF WITHOUT PREJUDICE**

In the April 27, 2023 status conference, the Court requested that Sixteen Plus Corporation consider a voluntary withdrawal of the third party-complaint against Fathi Yusuf in the now-consolidated 342 action. .

I. Procedural Posture

On August 31, 2017, Manal Yousef filed and served a complaint against Sixteen Plus Corporation in *Manal v. Sixteen Plus Corporation*, SX-2017-CV-342.

On October 12, 2017, Sixteen Plus filed its answer, counterclaim and a third-party complaint against Fathi Yusuf.

On December 15, 2017, Fathi Yusuf filed his motion to dismiss. That motion has been fully briefed by the parties.

On December 12, 2017, Sixteen Plus filed a motion to consolidate 342 into the instant, 650, action.

On May 1, 2023, the Court granted the motion to consolidate, seemingly making the third-party action against Fathi Yusuf duplicative.

II. Requested Action

1. Sixteen Plus Corporation asks the Court to allow the dismissal of that third-party complaint.
2. It is requested that the dismissal be “without prejudice to re-filing” if it should later be determined that the third-party action was not truly duplicative, and that Sixteen Plus or Hamed are somehow disadvantaged due to the withdrawal.

III. Conclusion

A proposed order is attached.

**Counsel for Hisham Hamed
and Sixteen Plus Corporation**

Dated: May 1, 2023



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CERTIFICATE OF SERVICE

I hereby certify that, discounting captions, headings, signatures, quotations from authority and recitation of the opposing party's own text, this document complies with the page and word limitations set forth in Rule 6-1(e) and that on **May 1 , 2023**, I served a copy of the foregoing by email and the Court's E-File system, as agreed by the parties, to:

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