

FILED

February 27, 2024 09:19 AM
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,
PLAINTIFF,

v.

FATHI YUSUF, ISAM YOUSUF, AND
JAMIL YOUSUF,
DEFENDANTS,

v.

SIXTEEN PLUS CORPORATION,
NOMINAL DEFENDANT.

Civil Case No. SX-2016-CV-650

DERIVATIVE SHAREHOLDER SUIT,
ACTION FOR DAMAGES AND CICO
RELIEF

JURY TRIAL DEMANDED

SIXTEEN PLUS CORPORATION,
PLAINTIFF/COUNTER-DEFENDANT,

v.

MANAL MOHAMMAD YOUSEF,
DEFENDANT/COUNTER-PLAINTIFF.

CONSOLIDATED WITH
Civil Case No. SX-2016-CV-065

ACTION FOR DECLARATORY
JUDGMENT, CICO, AND FIDUCIARY
DUTY; COUNTERCLAIM

JURY TRIAL DEMANDED

MANAL MOHAMMAD YOUSEF,
PLAINTIFF/COUNTER-DEFENDANT,

v.

SIXTEEN PLUS CORPORATION,
DEFENDANT/COUNTER-PLAINTIFF/
THIRD-PARTY PLAINTIFF

v.

FATHI YUSUF,
THIRD-PARTY DEFENDANT.

CONSOLIDATED WITH
Civil Case No. SX-2017-CV-342

ACTION FOR DEBT AND
FORECLOSURE; COUNTERCLAIM
FOR DAMAGES; THIRD PARTY
ACTION

JURY TRIAL DEMANDED

ORDER OF THE SPECIAL MASTER¹

¹ On August 10, 2023, the Court entered an order in the three consolidated cases—*Sixteen Plus Corp. v. Yousef*, Civil Case Number SX-2016-CV-065, *Hamed v. Yusuf, et al.*, Civil Case Number SX-2016-CV-650, and *Yousef*

THIS MATTER is before the Special Master (hereinafter “Master”) for review *sua sponte* in furtherance of the Master’s duty to address all pretrial matters and any other matters agreed upon by the parties in the three consolidated cases—*Sixteen Plus Corp. v. Yousef*, Civil Case Number SX-2016-CV-065 (hereinafter “065 Case”), *Hamed v. Yusuf, et al.*, Civil Case Number SX-2016-CV-650 (hereinafter “650 Case”), and *Yousef v. Sixteen Plus Corp.*, Civil Case Number SX-2017-CV-342 (hereinafter “342 Case”).

On January 24, 2024, the Master entered an order in all three cases whereby the Master ordered, *inter alia*, that Manal Mohammad Yousef’s (hereinafter “MY”) counsel James L. Hymes, III, Esq. (hereinafter “Attorney Hymes”) to file a notice advising: (i) the date of his last contact with MY, and (ii) describe attempts, including date(s), that have been made to contact MY since the date of his last contact. On February 22, 2024, Attorney Hymes filed a notice in all three cases in response to the January 24, 2024 order. In his notice, Attorney Hymes advised, *inter alia*, that his “last personal contact with Manal Yousef was on Monday, September 18, 2023,” that his “contacts with Jamil [Yousuf] to try and find out how Manal was doing were made on October 15, 2023, November 22, 2023, and February 8, 2024, which was my last attempt,” that MY must “stay at home to be safe” which means “she cannot travel to her lawyer’s office which is in another city, and her ability to be deposed will depend on whether or not she has utility power and Internet service,” and that “Jamil [Yousouf] has been in contact with his aunt [MY] in February, 2024, on the 5th and 8th, and has discussed issues which have come up involving the cases with her.” (Feb. 22, 2024 Hymes Notice.) It is clear from Attorney Hymes’s notice that Jamil Yousuf² has been in contact with MY, yet Attorney Hymes failed to explain why Attorney Hymes cannot contact MY by the same method(s) Jamil Yousuf used to contact MY to address outstanding issues in MY’s lawsuits. MY, as the plaintiff in the 342 Case and the counter-plaintiff in the 065 Case, ultimately bears the burden of prosecuting her claims and counterclaims. *See* V.I. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”). While some delay due to unforeseen circumstances, such as in this instance, is certainly understandable and expected, the Master must ask Attorney Hymes to explore all possible options for him to make direct contact with MY to minimize potential

v. Sixteen Plus Corp., Civil Case Number SX-2017-CV-342—whereby the Court appointed the undersigned as the special master in these consolidated cases to address all pretrial matters and any other matters agreed upon by the parties. (Aug. 10, 2023 Order.)

² Attorney Hymes is Jamil Yousouf’s counsel in the 650 Case.

ORDER OF THE SPECIAL MASTER

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prejudice to other parties and unwarranted burdens on the court from such delay. Accordingly, it is hereby:

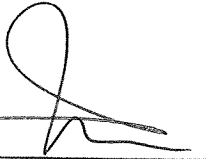
ORDERED that, on or before **March 8, 2024**, Attorney Hymes shall **FILE** a notice advising: (i) what method(s) did Jamil Yousuf use to contact MY, (ii) whether Attorney Hymes can contact MY by using same method(s) Jamil Yousuf used to contact MY, and if yes, has Attorney Hymes made any attempts by using such method(s) to contact MY, and if yes, was Attorney Hymes successful in making direct contact with MY.

DONE and so **ORDERED** this 26th day of February, 2024.

ATTEST:

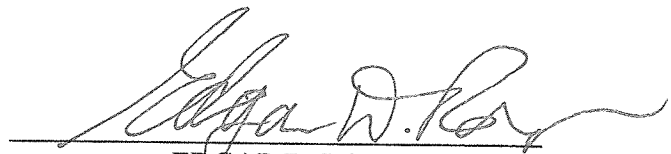
Tamara Charles
Clerk of the Court

By:



Court Clerk Supervisor 11

Dated: February 27th, 2024


EDGAR D. ROSS
Special Master

FILED

February 27, 2024 09:24 AM
SX-2016-CV-00650
TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
District of St. Croix

**Hisham Hamed on Behalf of Sixteen
Plus Corp.,**
Plaintiff

Case Number: **SX-2016-CV-00650, SX-
2016-CV-00065, SX-2017-CV-00342**
Action: **Damages**

v.

Fathi Yusuf et al,
Defendant.

**NOTICE of ENTRY
of
Order**

To Joel H. Holt, Esq.

Charlotte Kathleen Perrell, Esq.

:

Carl Joseph Hartmann, III., Esq.

Kevin A. Rames, Esq.

James L. Hymes, III., Esq.

Stefan B. Herpel, Esq.

Please take notice that on February 27, 2024
a(n) _____ Order of the Special Master
dated February 26, 2024 was/were entered
by the Clerk in the above-titled matter.

Dated February 27, 2024

Tamara Charles

:

Clerk of the Court

By:



Brianna Primus
Court Clerk II