

FILED

June 06, 2024 10:43 AM

SX-2017-CV-00342

TAMARA CHARLES

CLERK OF THE COURT

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

SIXTEEN PLUS CORPORATION,
PLAINTIFF/COUNTER-DEFENDANT,

v.

MANAL MOHAMMAD YOUSEF,
DEFENDANT/COUNTER-PLAINTIFF.

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

Civil Case No. SX-2017-CV-342

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

JURY TRIAL DEMANDED

v.
FATHI YUSUF,
THIRD-PARTY DEFENDANT.

CONSOLIDATED CASES: Civil Case No. SX-2017-CV-342; Civil Case No. SX-2016-CV-065; Civil Case No. SX-2016-CV-650

ORDER OF THE SPECIAL MASTER¹

THIS MATTER came before the Special Master (hereinafter “Master”) on the second amended notice of appearance of Christopher Allen Kroblin, Esq. and Marjorie Whalen, Esq. of Kellerhals Ferguson Kroblin PLLC (hereinafter “Attorney Kroblin” and “Attorney Whalen,” respectively) as counsel of record for Defendant and Counter-Plaintiff Manal Mohammad Yousef in the 065 Case and the second amended notice of appearance of Attorney Kroblin and

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 (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”)—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.)

Attorney Whalen as counsel of record for Plaintiff and Counter-Defendant Manal Mohammad Yousef in the 342 Case, both filed on June 4, 2024.²

On March 16, 2024, the Master entered—in all three cases—an order whereby the Master, *inter alia*, ordered Sixteen Plus Corporation (hereinafter “SPC”) and Manal Mohammad Yousef (hereinafter “MY”) to meet and confer, within sixty days, in good faith in compliance with the procedural and substantive aspects of the good faith negotiation requirement of Rule 37 and Rule 37-1 of the Virgin Islands Rules of Civil Procedure as to the discovery issues raised in SPC’s January 3, 2023 first motion to compel discovery responses from MY as to address, agent’s information, accounting and tax information and SPC to file a supplemental certification to its January 3, 2023 motion thereafter. As of the date of this Order, it is unclear whether SPC and MY met and conferred, and no supplemental certification has been filed. Nevertheless, the noncompliance may be due to MY’s former counsel of record’s wish to withdraw as counsel for MY.³ At this time, given that Attorney Kroblin and Attorney Whalen have appeared as counsel of record for MY, the Master will extend the deadline previously set in the March 16, 2024 order.

Furthermore, it has come to the Master’s attention that a mediation report was filed on August 15, 2023 indicating that a mediation conference was held on August 11, 2023 and that the matter has been recessed for further mediation with additional cases. No further update has been provided regarding mediation. At this time, the Master will order the parties to jointly file a notice advising whether they intend on jointly mediating these two matters with the third consolidate case—the 650 Case, and if so, the date of the next mediation conference.

Accordingly, it is hereby:

² As the caption above indicates, this Order is specific to the 065 Case and the 342 Case, and thus, unless specified otherwise, all the filings and orders referenced herein pertain only to the 065 Case and the 342 Case.

³ On April 1, 2024, MY’s former counsel of record filed a motion to withdraw as counsel for MY.

ORDERED that, **on or before August 9, 2024**, SPC and MY shall **MEET AND CONFER** in good faith in compliance with the procedural and substantive aspects of the good faith negotiation requirement of Rule 37 and Rule 37-1 of the Virgin Islands Rules of Civil Procedure as to the discovery issues raised in SPC's January 3, 2023 first motion to compel discovery responses from MY as to address, agent's information, accounting and tax information, and thereafter, SPC shall **FILE** a supplemental certification to its January 3, 2023 motion that explicitly state its compliance with the procedural and substantive aspects of the good faith negotiation requirement of Rule 37 and Rule 37-1 with the following details: (i) whether the parties met and conferred in person, telephonically, or by videoconferencing, or that the opposing party refused to meet and confer; and (ii) what specific issues were discussed during the conference, how each party believed legal authority applied to the facts before them, and how one or both parties attempted to resolve their impasse on each issue. **And** it is further:

ORDERED that, **on or before July 12, 2024**, the parties **SHALL JOINTLY FILE** a notice advising whether they intend on jointly mediating these two matters with the third consolidate case—the 650 Case, and if so, the date of the next mediation conference.

DONE and so ORDERED this 6th day of June, 2024.


ATTEST:

Tamara Charles
Clerk of the Court

By: 

Court Clerk ~~Supervisor II~~

Dated: June 6, 2024


EDGAR D. ROSS
Special Master

FILED

June 06, 2024 10:44 AM
SX-2017-CV-00342
TAMARA CHARLES
CLERK OF THE COURT

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

Sixteen Plus Corporation,
Plaintiff,
v.

Case Number: SX-2016-CV-00065; SX-
2017-CV-00342
Action: Declaratory Judgment

Manal Mohammed Yousef,
Defendant.

NOTICE of ENTRY
of
Order

To Joel H. Holt, Esq.

Christopher A. Kroblin, Esq.

:

Carl Joseph Hartmann, III., Esq.

Marjorie Beth Whalen, Esq.

Mark W. Eckard, Esq.

James L. Hymes, Esq.

Please take notice that on June 06, 2024
a(n) Order of the Special Master to Meet and Confer and File
Joint Notice
dated June 6, 2024 was/were entered
by the Clerk in the above-titled matter.

Dated June 06, 2024

:

Tamara Charles

Clerk of the Court

By:



Brianna Primus
Court Clerk II