

FILED

June 06, 2024 02:44 PM

SX-2016-CV-00650

TAMARA CHARLES

CLERK OF THE COURT

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

**MUHAMMAD SHAM 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 (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.)

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, the second amended notice of appearance of Attorney Kroblin and Attorney Whalen as counsel of record for Plaintiff and Counter-Defendant Manal Mohammad Yousef in the 342 Case, and the second amended notice of appearance of Attorney Kroblin and Attorney Whalen as counsel of record for Defendants Jamil Yousuf, Isam Yousuf, and Manal Mohammad Yousef in the 650 Case,² all filed on June 4, 2024.

On March 16, 2024, the Master entered an order whereby the Master ordered, *inter alia*, the parties in all three cases to jointly file, within thirty days, a proposed amended scheduling

² Attorney Kroblin and Attorney Whalen noted in their second amended notice of appearance in the 650 Case that Manal Mohammad Yousef (hereinafter “MY”) “is not a named party in this case.” Counsel are reminded that, on May 9, 2024, the Master entered an order whereby the Master granted, *inter alia*, Hisham Hamed’s (hereinafter “HH”) December 19, 2022 motion to amend the first amended complaint to add MY as a defendant in the 650 Case and pointed out that MY’s former counsel of record—James L. Hymes, III, Esq.—had voluntarily appeared on behalf of MY in the 650 Case when he filed an opposition to HH’s December 19, 2022 motion in the 650 Case. (May 9, 2024 Order.) MY’s opposition provided:

COMES NOW, MANAL MOHAMMAD YOUSEF, through her undersigned Attorney, James L. Hymes, III, and respectfully opposes the Motion of Hisham Hamed to amend his First Amended Complaint dated December 23, 2016, to join MANAL MOHAMMAD YOUSEF as a name party defendant.

(Feb. 7, 2023 Opp.)

Under Title 5, Section 115 of the Virgin Islands Code, “[a] voluntary appearance of the defendant shall be equivalent to personal service of the summons upon him.” Title 5 V.I.C. § 115.

In the same May 9, 2024 order, the Master rejected the proposed second amended complaints and proposed second amended and supplemental complaint previously filed in the 650 Case, and instead, ordered HH to re-file a new proposed second amended complaint and a new supplemental complaint to separately plead facts that occurred before the commencement of the action and facts that occurred after the commence of the action. (May 9, 2024 Order.) The rejection of the previously filed proposed second amended complaints and proposed second amended and supplemental complaint did not affect or negate the Master’s order granting HH’s December 19, 2022 motion to amend the first amended complaint to add MY as a defendant. Thus, when the Master approved the substitution of Attorney Kroblin and Attorney Whalen as MY, Jamil Yousuf (hereinafter “JY”), and Isam Yousuf’s (hereinafter “IY”) counsel of record—to wit, as the counsel of record for MY in all three cases and as the counsel of record for JY and IY in the 650 Case—in place of James L. Hymes, III, Esq. and the Law Offices of James L. Hymes, III, P.C., it was proper for Attorney Kroblin and Attorney Whalen to file the notice of appearance as counsel of record for MY in the 650 Case since the Master had already granted HH’s December 19, 2022 motion to amend the first amended complaint to add MY as a defendant and James L. Hymes, III, Esq. had already voluntarily appeared in the 650 Case.

order in their respective cases. As of the date of this Order, no such proposed amended scheduling orders have 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 MY, JY, and IY's counsel of record—to wit, as the counsel of record for MY in all three cases and as the counsel of record for JY and IY in the 650 Case—the Master will extend the deadline previously set in the March 16, 2024 order. Furthermore, it has come to the Master's attention that the parties in all three cases may wish to have one consolidated scheduling order with the same case management deadlines for ease of compliance and efficiency. Thus, the Master will allow the parties in all three cases to jointly file one proposed consolidated scheduling order for all three cases, unless the parties wish otherwise. Accordingly, it is hereby:

ORDERED that, **on or before July 12, 2024**, the parties in all three cases **SHALL JOINTLY FILE** one proposed consolidated amended scheduling (using the caption of all three cases) and the proffered amended scheduling order **MUST NOTE** prominently on the first page: CONSOLIDATED SCHEDULING ORDER. **And** it is further:

ORDERED that, if the parties wish to file a separate proposed scheduling order in their respective cases, then **on or before July 12, 2024**, the parties in the 065 Case **SHALL JOINTLY FILE** a proposed amended scheduling order in the 065 Case (using only the caption for the 065 Case), the parties in the 650 Case **SHALL JOINTLY FILE** a proposed amended scheduling order in the 650 Case (using only the caption for the 650 Case), and the parties in the 342 Case **SHALL JOINTLY FILE** a proposed amended scheduling order in the 342 Case (using only the caption for the 342 Case), and the proffered amended scheduling orders **MUST**

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

NOTE prominently on the first page the numbered amendment it represents—e.g., **FIRST AMENDED SCHEDULING ORDER, SECOND AMENDED SCHEDULING ORDER, etc.**

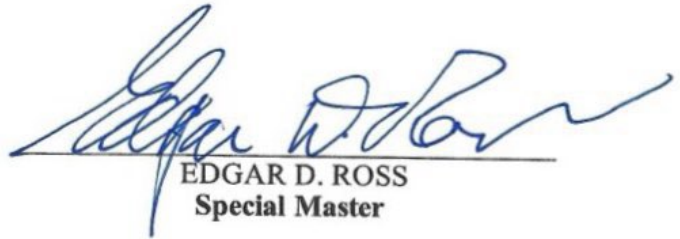
DONE and so ORDERED this 6th day of June, 2024.

ATTEST:

Tamara Charles
Clerk of the Court

By: BK
Court Clerk ~~Supervisor~~ II

Dated: June 6, 2024


EDGAR D. ROSS
Special Master

FILED

June 06, 2024 02:57 PM
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.

Stefan B. Herpel, Esq.

Mark W. Eckard, Esq.

Christopher A. Kroblin, Esq.

James L. Hymes, Esq.

Marjorie Beth Whalen, Esq.

Kevin A. Rames, Esq.

Please take notice that on June 06, 2024
a(n) Order of the Special Master to File Scheduling Order
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