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**RE: Requests to Counsel Regarding 11 Ross Orders in 65, 342 and 650**

Appended is a bookmarked, labeled, single pdf containing the 11 new orders issued by Judge Ross. Based on his orders, I would like to note the need for the following based on the order-by-order analysis below.<sup>1</sup>

1. Hamed's Second Amended Complaint and Supplemental Complaint (revised) have been drafted and will be filed on July 7<sup>th</sup>.
2. Joel Holt has contacted you with regard to (a) Sixteen Plus' (62 and 342) and Hamed's willingness to meet and confer or otherwise agree as to proposed joint scheduling orders. Please contact him in this regard. The same as true as to (b) a joint notice to the Court as to mediation. Please discuss this with Joel as well.

I would like to set up the following:

3. Hamed asks that counsel for **Isam Yousuf** meet and confer before July 12, 2024, as to the issues raised in HH's November 23, 2022 motion to compel.
4. Hamed asks that counsel for **Fathi Yusuf** meet and confer before July 12, 2024, as to the issues raised in HH's November 23, 2022 motion to compel.
5. Hamed asks that counsel for **Manal Yousef** meet and confer before July 12, 2024, as to the issues raised in MY's July 11, 2017 motion for protective order.
6. Hamed asks that counsel for **Manal Yousef** meet and confer before July 12, 2024, as to the issues raised in in SPC's January 3, 2023 first motion to compel discovery responses from MY as to address, agent's information, accounting and tax information...

**Analysis**

**In 650**

ORDER 1 of 11 -- 650 order 1 of 4, 6/4/2024, Orders new MY, JY and IY counsel to file new appearances and then allows old counsel out.<sup>2</sup>

ORDER 2 of 11 -- 650 Order 2 of 4, 6/6/2024, Orders HH to file revised 2<sup>nd</sup> Amend Complaint and Supp, Complaint before July 8<sup>th</sup>.<sup>3</sup>

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<sup>1</sup> We have been instructed by our clients to cooperate in the scheduling, running and reporting of these meetings and filings to the fullest extent. Thus, requests for extensions, changes and drafting will be honored as much as possible.

<sup>2</sup> These do not involve Sixteen Plus or Hamed.

<sup>3</sup> These have been drafted and will be filed on July 7<sup>th</sup>.

ORDER 3 of 11, 650 Order 3 of 4, 6/6/2024, Orders all parties to jointly submit Proposed Scheduling Order by July 12 – either all in one filing, or in separate orders for each of the three cases.<sup>4</sup>

ORDER 4 of 11, 650 Order 4 of 4, 6/14/2024,

- a. ORDERED that, on or before **July 12, 2024, JY and IY shall FILE** a copy of the requests to admit served upon HH on September 15, 2022. With regard to this matter, Hamed notes that he will file a motion to reconsider and for enlargement, and asks that the other parties stipulate to enlargement as to this. There was a service error, and the parties allowed the RFA's originally sent on the September 18, 2022 to be re-served on October 26, 2022. There were identical, 123 request RFA's in 650 to Isam and Jamil and in 65/342 to Hisham Hamed. Hamed served the answers in 65/342—but it appears because of captioning error in both the 65/342 requests and responses, those should have been served in 650 to Isam and Jamil. All 123 requests were objected to but answered—and Hamed asks that the parties agree to treat the RFA responses as served on October 26<sup>th</sup>, and for an enlargement of time to allow that. There is no question that Isam's and Jamil's counsel had the full set of answers on October 26<sup>th</sup>.
- b. ORDERED that, on or **before August 9, 2024, HH and IY shall MEET AND CONFER** in good faith in compliance with Rule 37 and Rule 37-1 as to the issues raised in **HH's November 23, 2022 motion to compel**, and HH shall FILE a supplemental certification to his November 23, 2022 motion that explicitly states his 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 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.<sup>5</sup>

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<sup>4</sup> Joel Holt has contacted you with regard to Sixteen Plus' (62 and 342) and Hamed's willingness to meet and confer or otherwise agree as to these – please contact him in this regard. Please get together and submit before July 12<sup>th</sup>. Similarly, Judge Ross has required the parties to state positions on mediation. Please discuss this with Joel as well.

<sup>5</sup> Hamed asks that counsel for Isam Yousuf meet and confer before the end of July as to the issues raised in HH's November 23, 2022 motion to compel.

- c. ORDERED that, on or before **August 9, 2024**, **HH and FY shall MEET AND CONFER** in good faith in compliance with Rule 37 and Rule 37-1 as to the issues raised in **HH's December 2, 2022 motion to compel**, and HH shall FILE a supplemental certification to his November 23, 2022 motion that explicitly states his compliance. . .<sup>6</sup>

## In 65

ORDER 5 of 11, 65 Order 1 of 4, 6/4/2024, Same as ORDER 1. Orders new MY, JY and IY counsel to file new appearances and then allows old counsel out.

ORDER 6 of 11, 65 Order 2 of 4, 6/6/2024.

ORDERED that, **on or before August 9, 2024, SPC and MY shall MEET AND CONFER** in good faith in compliance with Rule 26 and Rule 37-1 as to the issues raised in MY's July 11, 2017 motion for protective order—including but not limited to whether the parties are agreeable to taking MY's deposition by telephone or other remote means, and MY shall FILE a supplemental certification to her July 11, 2017 motion that explicitly states her compliance with the procedural and substantive aspects of the good faith negotiation requirement of Rule 26 and Rule 37-1 of the Virgin Islands Rules of Civil Procedure 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) whether the parties are agreeable to taking MY's deposition by telephone or other remote means.<sup>7</sup>

ORDER 7 of 11, 65 Order 3 of 4, 6/6/2024.

- a. 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** <sup>8</sup>discovery responses from MY as to address, agent's information, accounting and tax

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<sup>6</sup> Hamed asks that counsel for Farhi Yusuf meet and confer before the end of July as to the issues raised in HH's November 23, 2022 motion to compel.

<sup>7</sup> Hamed asks that counsel for Manal Yousef meet and confer before the end of July as to the issues raised in MY's July 11, 2017 motion for protective order.

<sup>8</sup> Hamed asks that counsel for Manal Yousef meet and confer before the end of July as to the issues raised in **discovery issues raised in SPC's January 3, 2023 first motion to compel**.

information, and thereafter, SPC shall **FILE** a supplemental certification

- b. 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.<sup>9</sup>

ORDER 8 of 11, 65 Order 4 of 4, 6/6/2024. Same as Order 3 of 11 in 650 (650 3 of 4). Orders all parties to jointly submit Proposed Scheduling Order by July 12 – either all in one filing, or in separate orders for each of the three cases.

### In 342

ORDER 9 of 11, 342 Order 1 of 3, 6/4/2024, Same as Orders #1 of 11 and 5 of 11. Orders new MY, JY and IY counsel to file new appearances and then allows old counsel

ORDER 10 of 11, 342 Order 2 of 3, 6/4/2024,

- a. 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...<sup>10</sup>

- b. 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.<sup>11</sup>

ORDER 11 of 11, 342 Order 3 of 3, 6/6/2024. Scheduling. Same as Order 3 of 11.<sup>12</sup>

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<sup>9</sup> As noted above, opposing counsel has been contacted by Joel Holt and should discuss mediation possibilities with him and report by July 12<sup>th</sup>.

<sup>10</sup> Hamed asks that counsel for Manal Yousef meet and confer before the end of July as to the issues raised in **discovery issues raised in** SPC's January 3, 2023 first motion to compel discovery responses

<sup>11</sup> See note as to mediation above.

<sup>12</sup> See note as to scheduling above.

Thank you,

A handwritten signature in blue ink, appearing to read "Carl J. Hartmann", with a long horizontal flourish extending to the right.

Carl J. Hartmann

cc; All counsel in 65, 342 and 650