

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

| | | |
|--|---|--------------------------------------|
| HISHAM HAMED. Individually, and derivatively on behalf of SIXTEEN PLUS CORPORATION, |) | |
| |) | Civil Case No. SX-2016-CV-650 |
| <i>Plaintiff,</i> |) | DERIVATIVE SHAREHOLDER SUIT |
| |) | ACTION FOR DAMAGES AND CICO |
| v. |) | RELIEF |
| |) | |
| FATHI YUSUF, ISAM YOUSUF JAMIL YOUSUF, AND MANAL MOHAMMAD YOUSEF, |) | JURY TRIAL DEMANDED |
| |) | |
| <i>Defendants,</i> |) | |
| |) | |
| v. |) | |
| |) | |
| SIXTEEN PLUS CORPORATION, |) | |
| |) | |
| <i>Nominal Defendant.</i> |) | |
| <hr style="width: 40%; margin-left: 0;"/> | | |

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

DECLARATION OF CARL J. HARTMANN III

I, Carl J. Hartmann, declare, pursuant to V.I. R. CIV. P. 84, as follows:

1. I am a member of the USVI Bar--No. 48, and am personally knowledgeable about all of the facts set forth herein.
2. I am co-counsel to Sixteen Plus Corporation in two actions dealing with the foreclosure of land on St. Croix, USVI, referred to as "Diamond Keturah":
 - a. *Sixteen Plus Corporation v. Manal Mohammad Yousef, SX-16-CV-00065, and*
 - b. *Manal Mohammad Yusuf v. Sixteen Plus Corporation, SX-17-CV-342.*
3. I am also co-counsel to Hisham Hamed in *Hisham Hamed, individually and derivatively for Sixteen Plus Corporation v. Fathi Yusuf, Isam Yousuf, Jamil Yousuf and Manal Mohammad Yousef, SX-2016-CV-650.*

4. On August 9, 2022, Judge Meade issued mirror scheduling orders in the consolidated 65/342 cases and in the not yet consolidated 650 action. **Exhibit A** and **Exhibit B**.

5. The Order required the filing of written discovery inquiries by September 15, 2022. *Id.*

6. On September 15, 2022, Attorney Hymes attempted to serve the two RFA's relevant to this affidavit on me, an RFA on behalf of Isam Yousuf ("hereinafter referred to as "IY" or "Isam") and Jamil Yousuf (hereinafter referred to as "JY" or "Jamil") to Hisham Hamed in the 650 action (**Exhibit C**); and an RFA on behalf of Manal Yousef (hereinafter referred to as "MY" or "Manal") to Hisham Hamed in the 65/342 action. **Exhibit D**.

7. Attorney Hymes was unable to serve me with either of these two RFA's due to what we later determined were email addressing issues in his office--which problem was investigated and fully discussed between the two offices on the 15th through the 16th, and service was thereafter made to Hartmann, without a motion for enlargement as to the original scheduling order, on the 16th. See **Group Exhibit E**.

8. On September 18, 2022, just two days after receipt of the RFA's, I emailed one full 123 item RFA response to Yusuf's counsel (**Exhibit F**) and a duplicate, full 123 response set to Attorney Hymes. **Exhibit G**. Thus, as of that timely date, I understood that Attorney Hymes had full 123 item substantive answers to all 123 requests—but that emailing subject to another issue later identified on October 25, 2022.

9. The parties thought that was the end of the problem. However, on October 25, 2022, Attorney Hymes filed notice that Hamed's responses to the IY/JY RFA to Hamed in 650 had not been received. **Exhibit H**. And as it turned out, none of the emailed responses to the RFA's and the other discovery of September 18th had been received by any opposing counsel.

10. This set off another exchange of correspondence which revealed that this time it was Hamed's responses that had not correctly emailed, though **I had emailed them on the 18th, just two days after the RFA's were served**. I could show that they went through my email system and into my outbox—but actual transmission (though it might have occurred could not be verified by myself or other counsel.

11. On the same day that the Notice regarding the "non-service" of the RFA in 650 was filed, October 25, 2022, I instantly emailed Attorney Hymes (who was away and could not be reached by phone), stating that the responses had been emailed on the 18th, and requesting that Hymes check spam and junk folders (**Exhibit I**):

Jim: I show the responses sent on 9/18.—but I do not see the filing of the notice of filing by Jay. Could you check your email to see if you received it. You might look in another folder such as junk as It was on an awkward exchange...Rauna and I had a problem with the incorrect email addresses and things not getting delivered going for these. If you don't find it I will check further. Please note before we get

into a big deal about this that all but two of the requests were objected to as being served on the wrong person—so I'm sure the admissions would be useless in any case. Carl

12. Much later that same day, at just after midnight on the morning of October 26th, I wrote to all counsel, trying to determine if anyone had received the RFA responses and many other discovery responses emailed on September 18th. (**Exhibit J**):

Earlier today Jim filed a notice of no response regarding Manal's RFAs. I have asked him to check his other folders as Rauna and Il were having address issues. However, having just completed a lengthy search for the email, I cannot be certain that the document did go out, as opposed to getting trapped in either my draft or outbox folder instead of sending correctly when I hit send. In any case, out of an abundance of caution, I am re-serving it to all.

Please ask Pam to check her inbox and junk mail folders for the 18th as well as your own. Carl

13. In fact, at 12:51 am, I sent an email to Attorney Hymes stating I knew (because I had done s personally, not staff) I had emailed them on the 18th, However, I could not confirm in any writing/log that the email had (1) gone out of my "outbox" to opposing counsel on the 18th (**Exhibit K**) or (2) actually been received by anyone.

Jim: I have just spent several hours trying to determine why you did not receive the RFAs. I sent it, but I cannot prove that with any document or log---and absent you or DNF getting it (you saw the email to Charlotte inquiring of them), I must assume that there was some error. Please discuss this with Joel and I will proceed from there. Carl

14. Thus, just had been done when Attorney Hyme's earlier email had not gone through, just after noon on the next day, October 26, 2022, I sent an email to all counsel stating that as there was an issue with the service of the RFA's on the 18th, I was re-signing, re-dating and re-serving all RFA's later that day. **Exhibit L**.

15. I then went about the task of seeking and obtaining stipulations for enlargement both in 650 and 65/342 as to the filings on October 26th.

16. Joel Holt, my co-counsel, also discussed this problem with opposing counsel by telephone—particularly the fact that the RFA answers had all been provided to both opposing counsel—and the other problems getting these RFA's filed correctly.

17. Based on the telephone discussions with Joel Holt, Charlotte Perrell (for Fathi Yusuf) agreed to stipulate to the enlargement on October 28, 2022—which I verified with an email to her that date. **Exhibit M**.

18. Similarly, Attorney Hymes agreed to the enlargement in 650, and on November 4, 2022 I asked him to further confirm his stipulation covered the Hisham Hamed RFA—and he agreed as follows (**Exhibit N**):

Jim. May I represent to the Court the following in the 65/342 action—that the amendment/enlargement is uncontested, as I did in the 650 action? Carl

HISHAM HAMED'S UNCONTESTED MOTION FOR ENLARGEMENT OF TIME FOR HIS FILING OF RESPONSES TO REQUESTS TO ADMIT BY FATHI YUSUF [sic.]

*COMES NOW Hisham Hamed, through undersigned counsel, and moves the Court, pursuant to **Rule 36(b)** to allow him to amend his answers out of time.*

19. Attorney Hymes' Office responded on that same day, November 4th, as follows **(Exhibit O)**:

Good Afternoon, Attorney Hartmann: I reached out to Attorney Hymes, who is out of the office until Monday. **He asked me to let you know that he is okay with your statement below.**

Thus the parties had stipulated to extension of 11 days, from the due date of the 15th to the actual date of re-service on the 65/342, and motions for extensions were filed in both 650 (**Exhibit P**) and 65/342. **Exhibit Q.**

20. Unfortunately, what the parties had not discerned at that time is that there was a problem with the captioning, identification of parties and docketing of **both** the Hymes RFA and my transmission of Hamed RFA responses—though the RFA's had been fully, substantively responded to by Hamed (despite two sets of objections), the Hamed responses, which should have gone to Isam and Jamil in 650. were served and docketed with the wrong captioned in the 65/342 case as being from Hamed to Manal—**where Hamed was not even a party.** The only RFA's were from Isam and Jamil to Hamed in 350—and my miscaptioning was only discovered by me for the first time when the Special Masters most recent order issued. Nor do I believe, as discussed below, from the actions of all other counsel anyone thought the RFA's from Hisham Hamed to those 123 RFA's were incorrect or missing.

21. As it turns out, by recent review after the order issued, when Attorney Hymes filed the identical RFA's **to Hamed** in 65/342 and 650, **the first name in the caption and party addressed in the text in the 65/342 was Hamed.** That first caption name specifically recited the Hamed v. Sixteen Plus derivative action—and stated in the body:

Manal Mohammad Yousef. . . .through her undersigned attorney, James L. Hymes III. . .hereby **propounds the following Requests to Admit in Hisham Hamed.**

22. Hisham Hamed was not a party in the Manal v. Sixteen Plus cases (65/342). Moreover, these RFA's were simply a duplicate of the IY and JY RFA's in 650. Unfortunately, Hamed answered in kind—he also served in 65/342, where Hamed was not a party – instead of 650 where he was. But he answered all 123 questions and was only a party in one case-650.

23. The critical point is that all of these miscaptioned IY and JY RFA's to Hamed in 650 were answered in a similarly miscaptioned response by Hamed in 65/342. In short, all responses were provided. There was absolutely no delay caused in the action. There was no prejudice as the answers were already in Attorney Hymes' hands. Moreover, the motion for the 11-day enlargement was also filed with that caption (65/342) as part of the same confusion.—again, improperly captioned.

23. This repeated and mutual emailing and captioning confusion was discussed in detail in *Hamed's Notice to the Court* in 65/342 on November 17, 2022. **Exhibit R.** As that Notice (and the apology to the Court and Clerk therein) points out, there were significant errors in how parties were captioning filings, signatures within filings and several responses. That Notice was explicitly about this problem with having Hamed in the 65/342 caption, as well as the confusion in both the docket and in the parties' filings about this specific issue:

Sixteen Plus Corporation, through undersigned co-counsel, hereby gives notice to the Clerk of the Court and all parties of a series of multi-party, multi-instance errors, both in the captions (on a number of documents) and in the Court's E-File system. He asks the Clerk for an administrative correction in the E-File system.

1. Hisham Hamed is not and never has been a party in either the 342 action or the 65 action. He is, therefore, not a party in the consolidated 342/65 action. That party identification was picked up by accident from the companion 650 action, Sixteen Plus Corporation v. Fathi Yusuf, Isam Yousuf and Jamil Yousuf, SX-2016-CV-00650, which is also pending before Judge Brady. Hisham Hamed has been repeatedly identified as a Plaintiff. That error has been picked up in the E-File system.

2. The undersigned asks the Clerk to correct the fact that the E-File system incorrectly identifies the 342/65 action as having "Hisham Hamed" as the Plaintiff when notices are emailed to counsel. Also, when E-Filing, there is a "Filed on Behalf of" checkbox for "Hisham Hamed" but none for "Sixteen Plus Corporation".

3. When notices of filing are sent out, they read "Hisham Hamed" both for the consolidated 342/65 case and for the 650 case. This can be confusing.

* * * *

Undersigned counsel greatly apologizes to the Clerk and the Court for any part he (or his mis-captioned filings) played in this confusion—but these cases have been through an odd path of consolidations, non-consolidations, and judges--as well as an effort to have them joined together in a single Complex Litigation proceeding.

25. In summary, Attorney Hymes had received **Hamed's responses to the 123 RFA's by October 26th**. But they were served with the wrong caption – captioned as responses to Manal's RFA's rather than IY and JY's--in 65/342 instead of 650. No prejudice, delay or other ill effect has occurred, or will occur if the responses are either deemed served or and enlargement to serve now is allowed.

26. When discussed by the parties, the motions for enlargement in 650 and 65/342 were intended to notify the Court that **all of the RFA responses of September 18th had been re-filed 11 days late, and that the parties would not object to a delay in filing.** (This was the practice between the parties--In fact, just a few days later, on November 14, 2022, Hamed stipulated to allow Isam's filing on a later date.)

27. At no time after these 2022 filings did Attorney Hymes (or anyone else) ever suggest he did not receive these subsequent RFA responses within the time as subsequently agreed by the Parties, as per their stipulation, like he did when he first filed such a notice on October 25, 2022. Because the Court was not aware of these issues relating to the apparent delay, the parties never submitted the facts or arguments as to prejudice or delay in proceeding, and those are not (therefore) weighed in the order. The order does not examine or recite these issues to be weighed. Moreover, the parties have had **numerous** Rule 37 letters and meet and confer conferences on the discovery in these cases, including the RFA's, and this issue has never been mentioned as a problem or referenced as being an outstanding item.

I declare under penalty of perjury that the foregoing is true and correct, executed on this 17th day of June 2024.



Carl J. Hartmann III, Esq.

FILED

August 09, 2022 05:11 PM

SX-2016-CV-00065

TAMARA CHARLES

CLERK OF THE COURT

CLERK OF THE COURT



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

SIXTEEN PLUS CORPORATION, ,

Plaintiff/Counterclaim Defendant,

v.

MANAL MOHAMMAD YOUSEF

Defendant/Counterclaim Plaintiff

MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD YOUSEF,

Plaintiff,

v.

SIXTEEN PLUS CORPORATION,

Defendant.

SIXTEEN PLUS CORPORATION,

Counterclaim Plaintiff,

v.

MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD,

Counterclaim Defendant.

CIVIL NO. SX-16-CV- 0065

**ACTION FOR
DECLARATORY JUDGMENT**

JURY TRIAL DEMANDED

CIVIL NO. SX-17-CV- 342

**ACTION FOR DEBT AND
FORECLOSURE**

**COUNTERCLAIM FOR
DAMAGES**

JURY TRIAL DEMANDED

ORDER

THIS MATTER, having come before the Court on the submission of the Parties Planning Meeting Report and the Court having been advised in its premises, it is hereby,

ORDERED that the discovery plan as set forth in the Parties' Planning Meeting Report is **APPROVED**; it is further

ORDERED that the parties adhere to the following deadlines in this matter.

1. Pre-Discovery Disclosures:

To the extent they have not already done so, the parties will exchange by **August 15, 2022**, the information required by V.I. R. Civ. P. 26(a)(1).

2. Discovery Plan:

The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects:

- factual bases of the allegations stated in the complaint;
- the extent of the damages claimed by the plaintiff; and
- the defenses asserted by the defendants.

A. Written discovery:

All written discovery shall be propounded by **September 15, 2022**.

B. Fact witness depositions:

All fact witness depositions shall be completed by **December 31, 2022**.

Maximum number of depositions as provided by V.I. R. Civ. P. 30 (a)(2)(A). It is anticipated that plaintiff and defendants may need to exceed 10 depositions each and they will reasonably cooperate in scheduling same.

Duration of depositions as provided by V.I. R. Civ. P. 30(d)(1).

C. Expert discovery

Reports from retained experts under Rule 26(a)(2) due:

- from plaintiff by **February 24, 2023**;
- from defendants by **April 15, 2023**.

Expert witness depositions shall be completed by **May 30, 2023**.

3. Other Items:

Mediation shall be scheduled prior to **December 31, 2022**.

A Status Conference by Zoom is scheduled for TBA.

All Dispositive Motions shall be filed by **August 30, 2023**

Settlement can be evaluated at any time during the pendency of the action.

Final lists of witnesses and exhibits shall be provided as directed by the court.

The case should be ready for trial on a date set by the court at the final pretrial conference.

Dated:

August 9, 2022

Jomo Meade

**HON. JOMO MEADE,
Judge of the Superior Court**

ATTEST: TAMARA CHARLES

Clerk of Court

By:

Tamara Charles

08/09/2022

Deputy Clerk

FILED

August 09, 2022 04:43 PM

SX-2016-CV-00650

TAMARA CHARLES

CLERK OF THE COURT

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 YOUSEF**

Defendants,

and

SIXTEEN PLUS CORPORATION,

a nominal Defendant.

Case No.: 2016-SX-CV-650

**DERIVATIVE SHAREHOLDER
SUIT, ACTION FOR DAMAGES
AND CICO RELIEF**

JURY TRIAL DEMANDED

ORDER

This matter is before the Court on the Amended Report of Parties' Planning Meeting Pursuant to V.I. R. Civ. P. 16 and 26(f) filed by the Parties. The Court being satisfied therein, it is hereby,

ORDERED that the discovery plan as set forth in the Parties' Amended Planning Meeting Report is **APPROVED**. It is further

ORDERED that the parties adhere to the following deadlines in this matter.

1. Pre-Discovery Disclosures:

To the extent they have not already done so, the parties will exchange by **August 15, 2022**, the information required by V.I. R. Civ. P. 26(a)(1).

2. Discovery Plan:

The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects:

- factual bases of the allegations stated in the complaint;

- the extent of the damages claimed by the plaintiff; and
- the defenses asserted by the defendants.

A. Written discovery:

All written discovery shall be propounded by **September 15, 2022**.

B. Fact witness depositions:

All fact witness depositions shall be completed by **December 31, 2022**.
Maximum number of depositions as provided by V.I. R. Civ. P. 30 (a)(2)(A).
It is anticipated that plaintiff and defendants may need to exceed 10 depositions each and they will reasonably cooperate in scheduling same.

Duration of depositions as provided by V.I. R. Civ. P. 30(d)(1).

C. Expert discovery

Reports from retained experts under Rule 26(a)(2) due:

- from plaintiff by **February 24, 2023**;
- from defendants by **April 15, 2023**.

Expert witness depositions shall be completed by **May 30, 2023**.

3. Other Items:

Mediation shall be scheduled prior to **December 31, 2022**.

A Status Conference by Zoom is scheduled for TBA.

Currently pending is Fathi Yusuf's Rule 12(b)(6) Motion to Dismiss First Amended Complaint. Any additional dispositive motions shall be filed on or before August 30, 2023.

Settlement can be evaluated at any time during the pendency of the action.
Final lists of witnesses and exhibits shall be provided as directed by the court.
The case should be ready for trial on a date set by the court at the final pretrial conference.


Dated:

August 9, 2023



HONORABLE JOMO MEADE
Judge of the Superior Court

ATTEST: TAMARA CHARLES
Clerk of Court

By:  08/09/2022

Deputy Clerk



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

| | | |
|-----------------------------|---|----------------------------|
| HISHAM HAMED, individually, |) | |
| and derivatively for |) | CIVIL NO. SX-2016-CV-00650 |
| SIXTEEN PLUS CORPORATION, |) | |
| |) | |
| Plaintiff, |) | DERIVATIVE SHAREHOLDER |
| |) | SUIT, ACTION FOR DAMAGES |
| vs. |) | AND CICO RELIEF |
| FATHI YUSUF, ISAM YUSUF and |) | |
| JAMIL YOUSEF, |) | |
| |) | JURY TRIAL DEMANDED |
| Defendants. |) | |
| |) | |
| and |) | |
| |) | |
| SIXTEEN PLUS CORPORATION, |) | |
| |) | |
| a nominal Defendant, |) | |
| _____ |) | |

NOTICE OF SERVICE OF REQUESTS TO ADMIT

TO: TAMARA CHARLES
Clerk of the Court
SUPERIOR COURT OF THE VIRGIN ISLANDS
Division of St. Croix
RFD 2, Kingshill, St. Croix
U.S. Virgin Islands 00850

JOEL H. HOLT, ESQ.
LAW OFFICES OF JOEL H. HOLT
holtvi@aol.com
Counsel for Plaintiff

The Defendants **ISAM YOUSUF** and **JAMIL YOUSUF** (incorrectly identified as Jamil Yousef in the Caption), through their undersigned attorney, James L. Hymes, III, do

not voluntarily appear in this matter, do not submit to the jurisdiction of the Court, and do not waive any objections to subject matter jurisdiction, personal jurisdiction, improper venue, insufficiency of process, insufficiency of service of process, or failure to state a claim upon which relief can be granted, or any other defense or objection which may be presented whether by pleading or motion in this action, and pursuant to Rule 36 of the Virgin Islands Rules of Civil Procedure, provides notice that they have served the **Requests to Admit** to the Plaintiff, **HISHAM HAMED, Derivatively on behalf of SIXTEEN PLUS CORPORATION**, by serving same upon Plaintiff's counsel, Joel H. Holt, Esq., with copies to the remaining counsel of record as set forth in the Certificate of Service, below.

Respectfully Submitted,

DATED: September 15, 2022.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
Counsel for Defendants –
Isam Yousuf, and Jamil Yousuf

By: */s/James L. Hymes, III*

JAMES L. HYMES, III

VI Bar No. 264

P.O. Box 990

St. Thomas, Virgin Islands 00804-0990

Telephone: (340) 776-3470

Facsimile: (340) 775-3300

E-Mail: jim@hymeslawvi.com;

rauna@hymeslawvi.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 15th day of September, 2022, as an approved C-Track filer on behalf of James L. Hymes, III, I caused an exact copy of the foregoing ***“Notice of Service of Requests to Admit”*** to be served electronically through the C-Track system upon the following counsel of record, with electronic copies of the Notice and the Requests to Admit referred to therein, to be served on the following counsel of record by email.

JOEL H. HOLT, ESQ.

LAW OFFICES OF JOEL H. HOLT
2132 Company Street
Christiansted, USVI, 00820
holtvi@aol.com
Counsel for Plaintiff

CARL J. HARTMANN, III, ESQ.

5000 Estate Coakley Bay, L-6
Christiansted, VI 00820
carl@carlhartmann.com
Co-Counsel for Plaintiff

CHARLOTTE PERRELL, ESQ.

STEFAN HERPEL, ESQ.

DUDLEY NEWMAN FEUERZEIG
Law House, 1000 Frederriksberg Gade
P.O. Box 756
St. Thomas, VI 00804-0756
cperrell@dnfvi.com
sherpel@dnfvi.com
Attorneys for Defendant Fathi Yusuf

KEVIN A. RAMES, ESQ.

KEVIN A. RAMES, P.C.
2111 Company Street, Suite 3
Christiansted, VI 008220
kevin.rames@rameslaw.com
Attorneys for Sixteen Plus Corporation

/s/James L. Hymes, III

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

HISHAM HAMED, individually,
and derivatively for
SIXTEEN PLUS CORPORATION,

Plaintiffs/Counterclaim Defendant,

vs.
MANAL MOHAMMAD YOUSEF,

Defendant/Counterclaim Plaintiff.

CIVIL NO. SX-16-CV-00065

ACTION FOR
DECLARATORY JUDGMENT
CICO and FIDUCIARY DUTY

JURY TRIAL DEMANDED

MANAL MOHAMMAD YOUSEF,
a/k/a MANAL MOHAMAD YOUSEF,

Plaintiff,

vs.
SIXTEEN PLUS CORPORATION,

Defendant.

CIVIL NO. SX-17-CV-342

ACTION FOR DEBT AND
FORECLOSURE OF REAL
PROPERTY MORTGAGE

COUNTERCLAIM FOR
DAMAGES

JURY TRIAL DEMANDED

SIXTEEN PLUS CORPORATION,

Counterclaim Plaintiff,

Vs.
MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD,

Counterclaim Defendants, and
FATHI YUSUF,

Third Party Defendant.

NOTICE OF SERVICE OF REQUESTS TO ADMIT

TO: TAMARA CHARLES
Clerk of the Court
SUPERIOR COURT OF THE VIRGIN ISLANDS
Division of St. Croix
RFD 2, Kingshill, St. Croix
U.S. Virgin Islands 00850

JOEL H. HOLT, ESQ.
LAW OFFICES OF JOEL H. HOLT
holtvi@aol.com
Counsel for Plaintiff

The Plaintiff/Counterclaim Defendant, **MANAL MOHAMMAD YOUSEF**, by and through her undersigned attorney, James L. Hymes, III, and pursuant to the provisions of V.I. R. Civ. P. 36, provides notice that she has served her first **Requests to Admit** to the Plaintiff, **HISHAM HAMED, Individually and Derivatively on behalf of SIXTEEN PLUS CORPORATION**, by serving same upon Plaintiff's counsel, Joel H. Holt, Esq., with copies to the remaining counsel of record as set forth in the Certificate of Service, below.

Respectfully Submitted,

DATED: September 15, 2022.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
*Counsel for Plaintiff/Counterclaim
Defendant Manal Mohammad Yousef
a/k/a Manal Mohamad Yousef*

By: /s/James L. Hymes, III

JAMES L. HYMES, III
VI Bar No. 264
P.O. Box 990
St. Thomas, Virgin Islands 00804-0990
Telephone: (340) 776-3470
Facsimile: (340) 775-3300
E-Mail: jim@hymeslawvi.com;
rauna@hymeslawvi.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 15th day of September, 2022, as an approved C-Track filer on behalf of James L. Hymes, III, I caused an exact copy of the foregoing ***“Notice of Service of Requests to Admit”*** to be served electronically through the C-Track system upon the following counsel of record, with electronic copies of the Notice and the Requests to Admit referred to therein, to be served on the following counsel of record by email.

JOEL H. HOLT, ESQ.

LAW OFFICES OF JOEL H. HOLT
2132 Company Street
Christiansted, USVI, 00820
holtvi.plaza@gmail.com

Counsel for Defendant/Counterclaim Plaintiff Sixteen Plus Corporation

CARL J. HARTMANN, III, ESQ.

5000 Estate Coakley Bay, L-6
Christiansted, VI 00820
carl@carlhartmann.com

Co-Counsel for Defendant/Counterclaim Plaintiff Sixteen Plus Corporation

CHARLOTTE PERRELL, ESQ.

STEFAN HERPEL, ESQ.

DUDLEY NEWMAN FEUERZEIG
Law House, 1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00804-0756

cperrell@dnfvi.com

sherpel@dnfvi.com

Attorneys for Third Party Defendant Fathi Yusuf

/s/James L. Hymes, III

Incorrect!

From: Rauna Stevenson

Sent: Thursday, September 15, 2022 12:04 PM

To: 'Carl@hartmann.attorney' <Carl@hartmann.attorney>; 'Charlotte Perrell' <Cperrell@dnfvi.com>; 'sherpel@dnfvi.com' <sherpel@dnfvi.com>; 'Joel Holt' <holtvi@aol.com>

Cc: 'Kim Japinga' <kim@japinga.com>; 'pbayless@dnfvi.com' <pbayless@dnfvi.com>; Jim Hymes <jim@hymeslawvi.com>

Subject: RE: MMY v. Sixteen Plus (65 and 342) - Requests to Admit to Hisham Hamed/16Plus

Dear Colleagues: Attached please find an electronic copy of the following documents filed this date with the Superior Court via C-Track in the consolidated cases of **Hisham Hamed, individually, and derivatively, on behalf of Sixteen Plus Corporation vs. Manal Mohammad Yousef (SX-2016-CV-00065); Manal Mohammad Yousef, a/k/a Manal Mohamad Yousef v. Sixteen Plus Corporation (SX-2017-cv-342); Sixteen Plus Corporation v. Manal Mohammad Yousef a/k/a Manal Mohamad, and Fathi Yusuf.**

- **“Notice of Service of Requests to Admit”** together with the **“Requests to Admit”** referred to therein, propounded by Manal Mohammad Yousef upon Hisham Hamed, individually and derivatively for Sixteen Plus Corporation. A copy of the C-Track E-Filing Submission Confirmation for the Notice of Service is also attached.

James L. Hymes, III

James L. Hymes, III

Law Offices of James L. Hymes, III, P.C.

P.O. Box 990

St. Thomas, Virgin Islands 00804-0990

Telephone: 340-776-3470

Facsimile: 340-775-3300

jim@hymeslawvi.com; rauna@hymeslawvi.com

From: carl@hartmann.attorney
To: "Rauna Stevenson"
Subject: RE: MMY v. Sixteen Plus (65 and 342) - Requests to Admit to Hisham Hamed/16Plus
Date: Friday, September 16, 2022 1:26:00 PM

I see the problem...

The email is carl@carlhartmann.com not carl@hartmann.com


The BUSINESS email is carl@hartmann.attorney

Please try those.


Carl

CARL J. HARTMANN III
EMAIL: CARL@HARTMANN.ATTORNEY
TELEPHONE: (616) 416-0956
WEBSITE : WWW.HARTMANN.ATTORNEY

From: Rauna Stevenson <rauna@hymeslawvi.com>
Sent: Friday, September 16, 2022 1:19 PM
To: carl@hartmann.attorney
Subject: RE: MMY v. Sixteen Plus (65 and 342) - Requests to Admit to Hisham Hamed/16Plus

 Unfortunately, transmission to that email also failed. I sent you a copy of the message that popped up at 10:51 this morning. Did you get it? I am at a loss - It said:

Your message to carl@hartmann.com couldn't be delivered.


carl wasn't found at hartmann.com.


Any other suggestions?
Rauna

From: carl@hartmann.attorney <carl@hartmann.attorney>
Sent: Friday, September 16, 2022 12:48 PM
To: Rauna Stevenson <rauna@hymeslawvi.com>
Subject: RE: MMY v. Sixteen Plus (65 and 342) - Requests to Admit to Hisham Hamed/16Plus

Great !! You can use it for all – it is my personal account.

CARL J. HARTMANN III
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TELEPHONE: (616) 416-0956
WEBSITE : WWW.HARTMANN.ATTORNEY

From: Rauna Stevenson <rauna@hymeslawvi.com>
Sent: Friday, September 16, 2022 10:36 AM
To: Carl@hartmann.attorney
Subject: RE: MMY v. Sixteen Plus (65 and 342) - Requests to Admit to Hisham Hamed/16Plus

 Thank you, Carl. Will do. Should I use the carl@hartmann.com address for all emails? Or just ones that bounce back?

Rauna

From: Carl Hartmann <carl@carlhartmann.com>
Sent: Friday, September 16, 2022 10:23 AM
To: Rauna Stevenson <rauna@hymeslawvi.com>
Subject: RE: MMY v. Sixteen Plus (65 and 342) - Requests to Admit to Hisham Hamed/16Plus

Please re-send to

carl@hartmann.com

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EMAIL: CARL@HARTMANN.ATTORNEY
TELEPHONE: (616) 416-0956
WEBSITE : WWW.HARTMANN.ATTORNEY

From: Rauna Stevenson <rauna@hymeslawvi.com>
Sent: Friday, September 16, 2022 9:49 AM
To: Carl Hartmann <carl@carlhartmann.com>
Cc: Jim Hymes <jim@hymeslawvi.com>
Subject: FW: MMY v. Sixteen Plus (65 and 342) - Requests to Admit to Hisham Hamed/16Plus

Good Morning, Attorney Hartman: As with the other email I just sent to you in the 650 case, I received a delivery notice indicating that the email below was also undeliverable to you. The notifications to the other recipients appear successful. Please check with your co-counsel to see if they can share a copy of the Requests to Admit with you. If not, let me know and I will try breaking it down into pieces and try again.

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Rauna

From: Rauna Stevenson
Sent: Thursday, September 15, 2022 12:04 PM
To: 'Carl@hartmann.attorney' <Carl@hartmann.attorney>; 'Charlotte Perrell' <Cperrell@dnfvi.com>; 'sherpel@dnfvi.com' <sherpel@dnfvi.com>; 'Joel Holt' <holtvi@aol.com>
Cc: 'Kim Japinga' <kim@japinga.com>; 'pbayless@dnfvi.com' <pbayless@dnfvi.com>; Jim Hymes <jim@hymeslawvi.com>
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Date: Friday, September 16, 2022 12:48:00 PM

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To: 'Carl@hartmann.attorney' <Carl@hartmann.attorney>; 'Charlotte Perrell' <Cperrell@dnfvi.com>; 'sherpel@dnfvi.com' <sherpel@dnfvi.com>; 'Joel Holt' <holtvi@aol.com>

Cc: 'Kim Japinga' <kim@japinga.com>; 'pbayless@dnfvi.com' <pbayless@dnfvi.com>; Jim Hymes <jim@hymeslawvi.com>

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St. Thomas, Virgin Islands 00804-0990

Telephone: 340-776-3470

Facsimile: 340-775-3300

jim@hymeslawvi.com; rauna@hymeslawvi.com



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 YOUSEF**

Defendants,

and

SIXTEEN PLUS CORPORATION,

a nominal Defendant.

Case No.: 2016-SX-CV-650

**DERIVATIVE SHAREHOLDER
SUIT, ACTION FOR DAMAGES
AND CICO RELIEF**

JURY TRIAL DEMANDED

HISHAM HAMED'S RESPONSES TO YUSUF RFA

COMES NOW Carl J. Hartmann, counsel for Hisham Hamed, responds to Yusuf's RFA as follows:

Objections

Plaintiff Sixteen Plus objects to RFA being directed to the individual rather than to the Corporation, and states that these are the responses of that individual, not the Corporation. That individual has limited personal knowledge as he was not present or involved in any of the activities. The inquiries would properly be directed at the corporation, as under Rule 30(b)(6), to its directors and officers, or to persons present and having personal knowledge.

Similarly, Hisham Hamed objects to answering questions more properly directed to the corporation and states that he lacks significant personal knowledge about the matters herein as he was not present or informed thereto. Nor can either speak for Waleed Hamed (who was present and did have knowledge or for the rest of the Hamed family members.

Thus, each response below (except for two specifically designated) shall be deemed to be preceded with the Phrase:

I object to having to answer as merely a derivative plaintiff with regard to anything outside of my own, personal knowledge. I lack personal knowledge of the subject matter of all requests below except for this designated, as I was not present and was neither a director nor officer of Sixteen Plus. Subject to that, I provide what information I can glean from the papers and pleadings herein—but can answer only in that very limited personal capacity....The two that I do not object to are designated : [I can answer this of personal knowledge and therefore do not object.]

Responses to Requests to Admit:

Request No. 1: Admit or Deny that Sixteen Plus received a \$2,000,000 transfer in February, 1997, from an account that was not owned by the Plaza Extra Partnership, which Sixteen Plus used for the purchase of the Diamond Katurah Property.

Response: Admit.

Request No. 2: Admit or Deny that Sixteen Plus received a \$2,000,000 transfer in September, 1997, from an account that was not owned by the Plaza Extra Partnership, which Sixteen Plus used for the purchase of the Diamond Katurah Property.

Response: Admit.

Request No. 3: Admit or Deny that Waleed Hamed executed, on behalf of Sixteen Plus, the Note and Mortgage to Manal Yousef in the amount of \$4,500,000.00.

Response: Admit.

Request No. 4: Admit or Deny that Waleed Hamed, on behalf of Sixteen Plus, communicated with and requested Attorney Carl Beckstedt to prepare the Note and Mortgage and have him record the Mortgage in the St. Croix office of the Recorder of Deeds.

Response: Admit that Waleed and Fahti did so.

Request No. 5: Admit or Deny that at the time he requested Attorney Carl Backstedt to record the Note and Mortgage, Waleed Hamed, on behalf of Sixteen Plus, did not believe it was a sham Note and Mortgage.

Response: Deny.

Request No. 6: Admit or Deny that at the time the Note and Mortgage was recorded, Waleed Hamed did not believe it was a sham Note and Mortgage.

Response: Deny.

Request No. 7: Admit or Deny that Waleed Hamed conspired to engage in a plan to take \$4.5 million in funds from the Plaza Extra Partnership, provide those funds to either Isam Yousef or Manal Yousef, and make it appear that those funds were then loaned to Sixteen Plus for the purpose of purchasing the Diamond Katurah Property.

Response: Lack personal knowledge, but based on review of documents, Admit.

Request No. 8: Admit or Deny that Waleed Hamed conspired to engage in a plan to request his attorney to prepare a Note and Mortgage that would falsely depict a legitimate loan of funds from Manal Yousef evidenced by the Note and the Mortgage given to Manal Yousef by Sixteen Plus to secure that loan.

Response: Lack personal knowledge, but based on review of documents, Admit.

Request No. 9: Admit or Deny that Waleed Hamed conspired to engage in a plan to take \$4.5 million in funds from the Plaza Extra Partnership, which would be loaned to Sixteen Plus for the purpose of purchasing the Diamond Katurah Property by requesting a Note and Mortgage be prepared to falsely portray a valid loan and then arranged for said Note and Mortgage to be recorded.

Response: Lack personal knowledge, but based on review of documents, Admit.

Request No. 10: Admit or Deny that Waleed Hamed was aware in 2005, that Fathi Yusuf was insisting that the Note and Mortgage be paid if and when the Diamond Katurah Property was sold.

Response: Lack personal knowledge, but based on review of documents, Admit Wally knew Fathi was trying to get mortgage paid out so he could recover the funds—not Manal.

Request No. 11: Admit or Deny that Waleed Hamed sought to secure a Real Estate Power of Attorney for Waleed Hamed or for Fathi Yusuf from Manal Yusuf and had one prepared and sent to Manal Yousef for her execution.

Response: Deny.

Request No. 12: Admit or Deny that Hisham Hamed has no personal knowledge of the events set forth in the First Amended Complaint.

Response: See objection above. Deny in part, admit in part.

Request No. 13: Admit or Deny that Hisham Hamed was a shareholder in Sixteen Plus in December of 2016.

Response: Admit..

Request No. 14: Admit or Deny that all of Hisham Hamed's knowledge as to the allegations set forth in the First Amended Complaint was provided to him from Waleed Hamed.

Response: Deny. The information came from Wally, documents and research by counsel.

Request No. 15: Admit or Deny that Waleed Hamed, on behalf of Sixteen Plus, paid and caused someone to pay and deliver interest payments on the Note in 1998.

Response: Deny.

Request No. 16: Admit or Deny that Waleed Hamed, on behalf of Sixteen Plus, paid or caused somebody to pay and deliver interest payments on the Note in 1999.

Response: Deny.

Request No. 17: Admit or Deny that Waleed Hamed, on behalf of Sixteen Plus, paid or caused somebody to pay and deliver interest payments on the Note in 2000.

Response: Deny.

Request No. 18: Admit or Deny that no shareholder of Sixteen Plus made any shareholder loans to Sixteen Plus.

Response: Deny.

Dated: September 18, 2022

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

Carl J. Hartmann III, Esq.
Counsel for Hisham Hamed
2940 Brookwind Dr,
Holland, MI 49424
Telephone: (340) 642-4422
Email: carl@carlhartmann.com

Joel H. Holt, Esq.
Counsel for Plaintiffs
Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, VI 00820
Email: holtvi@aol.com

CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page or word limitation set forth in Rule 6-1(e) and that on this 18th day of September, 2022, I served a copy of the foregoing by email, as agreed by the parties, on:

Charlotte Perrell, Esq.

Stefan Herpel, Esq.

Law House, 10000 Frederiksberg Gade

P.O. Box 756

St. Thomas, VI 00804-0756

Tel: (340) 774-4422

sherpel@dtflaw.com

James L. Hymes, III, Esq.

P.O. Box 990

St. Thomas, VI 00804-0990

Tel: (340) 776-3470

jim@hymeslawvi.com

Kevin A. Rames, Esq.

2111 Company Street, Suite 3

Christiansted, VI 00820

Tel: (340) 773-7284

kevin.rames@rameslaw.com





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

**HISHAM HAMED, individually,
and derivatively for
SIXTEEN PLUS CORPORATION,**

Plaintiffs/Counterclaim Defendant,

v.

MANAL MOHAMMAD YOUSEF,

Defendant/Counterclaim Plaintiff.

CIVIL NO. SX-16-CV-00065

**ACTION FOR
DECLARATORY JUDGMENT
CICO and FIDUCIARY DUTY**

JURY TRIAL DEMANDED

**MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD YOUSEF, Plaintiff**

v.

SIXTEEN PLUS CORPORATION,

Defendant.

CIVIL NO. SX-17-CV- 00342

**ACTION FOR DEBT AND
FORECLOSURE**

**COUNTERCLAIM FOR
DAMAGES**

JURY TRIAL DEMANDED

SIXTEEN PLUS CORPORATION,

Counterclaim Plaintiff,

v.

**MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD,**

Counterclaim Defendants, and

FATHI YUSUF,

Third Party Defendant.

Objections

Plaintiff Sixteen Plus objects to RFA being directed to the individual rather than to the Corporation, and states that these are the responses of that individual, not the Corporation. That individual has limited personal knowledge as he was not present or involved in any of the activities. The inquiries would properly be directed at the corporation, as under Rule 30(b)(6), to its directors and officers, or to persons present and having personal knowledge.

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Thus, each response below (except for two specifically designated) shall be deemed to be preceded with the Phrase:

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Request to Admit No. 1:

Do you admit or deny the parcels of land described as Diamond Keturah are the parcels of land 16 Plus Corporation ("16 Plus") subjected to a Pror informed omisory Note dated September 15, 1997 ("Promissory Note"), a copy is attached as Exhibit "A," and First Priority Mortgage dated September 15, 1997 ("First Priority Mortgage"), a copy is attached as Exhibit "B," to Manal Mohammad Yousef a/k/a Manal Mohamad Yousef ("MMY")?

Response: Admit.

Request to Admit No. 2:

Do you admit or deny the property described as those parcels and remainders of parcels, and road plots set forth and described in seventeen (17) separate listings ("Diamond Keturah") in Exhibit A to the First Priority Mortgage (Exhibit B) accurately describes the premises involved in the instant action?

Response: Admit.

Request to Admit No. 3:

Do you admit or deny Diamond Keturah was conveyed by deed to 16 Plus on or about December 24, 1998, a copy of Marshal's Deed is attached as Exhibit "C"?

Response: Admit.

Request to Admit No. 4:

Do you admit or deny the deed conveying Diamond Keturah to 16 Plus was recorded on February 22, 1999?

Response: Admit.

Request to Admit No. 5:

Do you admit or deny 16 Plus holds title to the property known as Diamond Keturah, St. Croix, U.S. Virgin Islands?

Response: Admit.

Request to Admit No. 6:

Do you admit or deny 16 Plus has full and complete control over the disposition of Diamond Keturah property, subject only to the First Priority Mortgage (Exhibit B) that 16 Plus gave as part of its purchase price?

Response: Deny.

Request to Admit No. 7:

Do you admit or deny at all times relevant hereto, the Hamed family members hold a corporate interest and/or are beneficiaries of a corporate interest in 16 Plus?

Response: Admit.

Request to Admit No. 8:

Do you admit or deny at all times relevant hereto, the Hamed family members are heirs/distributees in the Estate of Mohammed A. Hamed?

Response: Admit.

Request to Admit No. 9:

Do you admit or deny 16 Plus and MMY entered into agreements in writing, namely a Promissory Note (Exhibit A) and a First Priority Mortgage (Exhibit B) both dated September 15, 1997, under which MMY supplied funds to 16 Plus subject to a mortgage on Diamond Keturah?

Response: Admit.

Request to Admit No. 10:

Do you admit or deny 16 Plus received a true copy of the Promissory Note (Exhibit A) that is the subject of this action completely filled in before 16 Plus executed it?

Response: Admit.

Request to Admit No. 11:

Do you admit or deny 16 Plus received a true copy of the First Priority Mortgage (Exhibit B) that is the subject of this action completely filled in before 16 Plus executed it?

Response: Admit.

Request to Admit No. 12:

Do you admit or deny the Promissory Note (Exhibit A) was prepared by 16 Plus?

Response: Admit,

Request to Admit No. 13:

Do you admit or deny the First Priority Mortgage (Exhibit B) was prepared by 16 Plus?

Response: Admit.

Request to Admit No. 14:

Do you admit or deny the Promissory Note (Exhibit A) is a true and correct copy of the original, was executed by Waleed Hamed as President of 16 Plus and attested to by Fathi Yusuf as Secretary of 16 Plus, and the signatures on the note are genuine?

Response: Admit.

Request to Admit No. 15:

Do you admit or deny the First Priority Mortgage to secure debt (Exhibit B) is a true and correct copy of the original, was executed by Waleed Hamed as President of 16 Plus and attested to by Fathi Yusuf as Secretary of 16 Plus, and the signatures on the mortgage are genuine?

Response: Admit.

Request to Admit No. 16:

Do you admit or deny at the time the First Priority Mortgage (Exhibit B) was given, Waleed Hamed and Fathi Yusuf were officers and shareholders of the mortgagor, 16 Plus?

Response: Admit.

Request to Admit No. 17:

Do you admit or deny that the Diamond Keturah property purchased by 16 Plus has been covered by a valid security interest of MMY?

Response: Deny.

Request to Admit No. 18:

Do you admit or deny the Promissory Note (Exhibit A) was for a term of five (5) years starting on the date the Promissory Note was signed on September 15, 1997?

Response: Admit.

Request to Admit No. 19:

Do you admit or deny 16 Plus executed and delivered to MMY the First Priority Mortgage (Exhibit B)?

Response: Admit.

Request to Admit No. 20:

Admission: Do you admit or deny 16 Plus on or about September 15, 1997, conveyed, transferred, or encumbered its real property known as Diamond Keturah to MMY?

Response: Deny.

Request to Admit No. 21:

Do you admit or deny the entire agreement between 16 Plus and MMY was contained in the Promissory Note (Exhibit A) and First Priority Mortgage (Exhibit B), both dated September 15, 1997?

Response: Deny.

Request to Admit No. 22:

Do you admit or deny MMY is the holder of the First Priority Mortgage, and any debt owed by 16 Plus for the purchase of Diamond Keturah is owed to MMY?

Response: Deny.

Request to Admit No. 23:

Do you admit or deny MMY supplied \$4.5 million in funds to 16 Plus subject to a mortgage for Diamond Keturah?

Response: Deny.

Request to Admit No. 24:

Do you admit or deny 16 Plus received a \$4.5 million loan from MMY which was secured by a First Priority Mortgage (Exhibit B) on the Diamond Keturah property?

Response: Deny.

Request to Admit No. 25:

Do you admit or deny a Promissory Note (Exhibit A) pertaining to Diamond Keturah property is a valid, binding obligation?

Response: Deny.

Request to Admit No. 26:

Do you admit or deny a First Priority Mortgage (Exhibit B) pertaining to Diamond Keturah property is a valid, binding obligation?

Response: Deny.

Request to Admit No. 27:

Do you admit or deny 16 Plus is indebted to MMY in the amount of \$4.5 million?

Response:Deny.

Request to Admit No. 28:

Do you admit or deny you are willing to pay the amount due on the promissory note?

Response: Deny.

Request to Admit No. 29:

Do you admit or deny there is owing to MMY the sum of \$4.5 million at eight percent (8%) interest per annum less the three (3) interest only payments of \$360,000.00 made in 1998, 1999, and 2000 plus a late charge computed as follows:

| | | | | |
|----------------------------|---|----------------------------|---|---------------------|
| Principal Balance | X | then applicable prime rate | X | number of days |
| <u>Outstanding on Note</u> | | of interest plus ½% | | between date |
| 365 | | | | installment due and |
| | | | | date installment |
| | | | | received? |

Response: Deny.

Request to Admit No. 30:

Do you admit or deny pursuant to the Promissory Note (Exhibit A), when a monetary default remains uncured for a period of fifteen (15) days, a default exists and any sums advanced or due under the First Priority Mortgage (Exhibit B) becomes due and payable and the unpaid principal balance of this Promissory Note shall bear interest at eighteen (18%) per annum simple interest?

Response: Deny.

Request to Admit No. 31:

Do you admit or deny you knew in 2005 the mortgage needed to be paid when Diamond Keturah was sold?

Response: Deny.

Request to Admit No. 32:

Do you admit or deny there is an unpaid balance due and payable on the promissory note secured by the mortgage?

Response: Deny.

Request to Admit No. 33:

Do you admit or deny 16 Plus owes an unpaid balance due on the promissory note secured by the mortgage to MMY?

Response: Deny.

Request to Admit No. 34:

Do you admit or deny 16 Plus has failed to reimburse MMY the money, \$4.5 million, MMY loaned to 16 Plus in September 1997?

Response: Deny.

Request to Admit No. 35:

Do you admit or deny 16 Plus did not pay MMY the sums 16 Plus agreed to pay in the promissory note secured by the mortgage?

Response: Deny.

Request to Admit No. 36:

Do you admit or deny the balance sued for is due and owing by 16 Plus to MMY?

Response: Deny.

Request to Admit No. 37:

Do you admit or deny that MMY and/or Fathi Yusuf never made a representation to 16 Plus pertaining to the lack of validity of the First Priority Mortgage that is at issue in this case?

Response: Deny.

Request to Admit No. 38:

Do you admit or deny there is no document relating to a modification of the terms and conditions of the Promissory Note (Exhibit A)?

Response: Admit.

Request to Admit No. 39:

Do you admit or deny there is no document relating to a modification of the terms and conditions of the First Priority Mortgage (Exhibit B)?

Response: Admit.

Request to Admit No. 40:

Do you admit or deny there is no written modification of the terms and conditions of the Promissory Note (Exhibit A)?

Response: Admit.

Request to Admit No. 41:

Do you admit or deny there is no oral modification of the terms and conditions of the Promissory Note (Exhibit A)?

Response:Admit.

Request to Admit No. 42:

Do you admit or deny there is no written modification of the terms and conditions of the First Priority Mortgage (Exhibit B)?

Response: Admit.

Request to Admit No. 43:

Do you admit or deny there is no oral modification of the terms and conditions of the First Priority Mortgage (Exhibit B)?

Response: Admit.

Request to Admit No. 44:

Do you admit or deny 16 Plus did not request a change in the payment terms of the Promissory Note (Exhibit A)?

Response: Admit.

Request to Admit No. 45:

Do you admit or deny 16 Plus did not request a change in the terms of the First Priority Mortgage (Exhibit B)?

Response: Admit.

Request to Admit No. 46:

Do you admit or deny MMY did not enter into an accord and satisfaction and/or an agreement to forgive, excuse, release, discharge, settle, and/or forebear the indebtedness and/or obligation due in connection with the First Priority Mortgage (Exhibit B)?

Response: Deny.

Request to Admit No. 47:

Do you admit or deny 16 Plus gave MMY no consideration for an alleged accord and satisfaction?

Response: Deny.

Request to Admit No. 48:

Do you admit or deny MMY received no consideration of value in exchange for an alleged accord and satisfaction pertaining to Diamond Keturah property?

Response: Deny.

Request to Admit No. 49:

Do you admit or deny 16 Plus gave MMY no consideration for an alleged agreement to forgive, excuse, release, discharge, settle, and/or forebear the indebtedness and/or obligation due in connection with the First Priority Mortgage (Exhibit B)?

Response: Deny.

Request to Admit No. 50:

Do you admit or deny MMY received no consideration of value in exchange for an alleged agreement to forgive, excuse, release, discharge, settle, and/or forebear the indebtedness and/or obligation due pertaining to Diamond Keturah property?

Response: Deny.

Request to Admit No. 51:

Do you admit or deny that in 1998, 16 Plus made a payment in the amount of \$360,000.00 as and for payment of the first yearly interest only payment pursuant to the Promissory Note (Exhibit A) secured by the First Priority Mortgage (Exhibit B) pertaining to Diamond Keturah property?

Response: Deny.

Request to Admit No. 52:

Do you admit or deny that in 1999, 16 Plus made a payment in the amount of \$360,000.00 as and for payment of the second yearly interest only payment pursuant to the Promissory Note (Exhibit A) secured by the First Priority Mortgage (Exhibit B) pertaining to Diamond Keturah property?

Response: Deny.

Request to Admit No. 53:

Do you admit or deny that in 2000, 16 Plus made a payment in the amount of \$360,000.00 as and for payment of the third yearly interest only payment pursuant to the Promissory Note (Exhibit A) secured by the First Priority Mortgage (Exhibit B) pertaining to Diamond Keturah property?

Response: Deny.

Request to Admit No. 54:

Do you admit or deny only three (3) yearly interest only payments in 1998, 1999, and 2000 have been made on the promissory note of September 15, 1997, since its execution?

Response: Deny.

Request to Admit No. 55:

Do you admit or deny the last payment made by 16 Plus on the Promissory Note (Exhibit A) was made sometime in 2000 and was in the sum of \$360,000.00 as a yearly interest only payment?

Response: Deny.

Request to Admit No. 56:

Do you admit or deny at no time after 16 Plus paid the third yearly interest only payment in 2000 due under the Promissory Note (Exhibit A) and secured by the First Priority Mortgage (Exhibit B) did 16 Plus pay any amounts due and owing to MMY under the promissory note?

Response: Deny as to assumption of payment due, admit as to subsequent non-payment.

Request to Admit No. 57:

Do you admit or deny 16 Plus is not entitled to claim any credit, offsets, or deductions other than a future payment of the \$4.5 million loan?

Response: Deny.

Request to Admit No. 58:

Do you admit or deny the yearly interest only payment of \$360,000.00 due on September 15, 2001, was not paid in full when due according to the terms of the Promissory Note (Exhibit A) secured by the First Priority Mortgage (Exhibit B)?

Response: Deny as to obligation, admit as to non-payment.

Request to Admit No. 59:

Do you admit or deny the yearly interest only payment of \$360,000.00 due on September 15, 2002, was not paid in full when due according to the terms of the Promissory Note (Exhibit A) secured by the First Priority Mortgage (Exhibit B)?

Response: Deny as to assumption of payment due, admit as to subsequent non-payment.

Request to Admit No. 60:

Do you admit or deny the payment of the full principal, \$4.5 million, due on September 15, 2002, was not paid in full when due according to the terms of the Promissory Note (Exhibit A) secured by the First Priority Mortgage (Exhibit B)?

Response: Deny as to assumption of payment due, admit as to subsequent non-payment.

Request to Admit No. 61:

Do you admit or deny 16 Plus failed to pay installments that came due pursuant to the Promissory Note (Exhibit A) secured by the First Priority Mortgage (Exhibit B) on September 15, 2001, and September 15, 2002?

Response: Deny as to assumption of payment due, admit as to subsequent non-payment.

Request to Admit No. 62:

Do you admit or deny you possess no proof or evidence that the unpaid balance due on the Promissory Note (Exhibit A) secured by the First Priority Mortgage (Exhibit B) is not \$4.5 million, plus interest, as of ***September 15, 2001?

Response: Deny as to assumption of payment due, admit as to subsequent non-payment.

Request to Admit No. 63:

Do you admit or deny the Promissory Note (Exhibit A) became in default for non-payment on the maturity date and the default was never cured?

Response: Deny.

Request to Admit No. 65:

Do you admit or deny the First Priority Mortgage (Exhibit B) became in default because of nonpayment of the Promissory Note (Exhibit A) on its maturity date and the default was never cured?

Response:Deny.

Request to Admit No. 65:

Do you admit or deny 16 Plus has failed to comply with all the terms and conditions of the Promissory Note (Exhibit A)?

Response:Deny.

Request to Admit No. 66:

Do you admit or deny 16 Plus has failed to comply with all the terms and conditions of the First Priority Mortgage (Exhibit B)?

Response: Deny.

Request to Admit No. 67:

Do you admit or deny that interest on the claim asserted herein by MMY is due?

Response: Deny.

Request to Admit No. 68:

Do you admit or deny on or about December 12, 2012, MMY made a written demand, a copy is attached as Exhibit "D," upon 16 Plus to pay all of the indebtedness 16 Plus owes to MMY?

Response: Admit.

Request to Admit No. 69:

Do you admit or deny a letter dated December 12, 2012 (Exhibit D) was received by 16 Plus via courier?

Response: Admit.

Request to Admit No. 70:

Do you admit or deny the indebtedness represented by the Promissory Note (Exhibit A) and secured by the First Priority Mortgage (Exhibit B) was not paid within fifteen (15) days from receipt of the letter dated December 12, 2012 (Exhibit D) by its respective addressee, nor has the indebtedness been paid by 16 Plus or its representative?

Response: Deny as written.

Request to Admit No. 71:

Do you admit or deny MMY has fully performed her obligations under the terms of the Promissory Note (Exhibit A)?

Response: Deny.

Request to Admit No. 72:

Do you admit or deny MMY has fully performed her obligations under the terms of the First Priority Mortgage (Exhibit B)?

Response: Deny.

Request to Admit No. 73:

Do you admit or deny there are no facts which form the basis of any defense in this action?

Response:Deny.

Request to Admit No. 74:

Do you admit or deny there are no documents, writings, letters, records or other papers of any sort upon which you intend to utilize as evidence of or a basis for any defense in this action?

Response: Deny.

Request to Admit No. 75:

Do you admit or deny you were aware MMY intended to relocate from Sint Marteen sometime in 2010?

Response: Deny.

Request to Admit No. 76:

Do you admit or deny a member of the Hamed family requested MMY to sign a document to facilitate a sale of Diamond Keturah if MMY intended to relocate from Sint Marteen?

Response: Deny.

Request to Admit No. 77:

Do you admit or deny Mr. Waleed Hamed requested MMY to sign a document to facilitate a sale of Diamond Keturah if MMY intended to relocate from Sint Marteen?

Response: Deny.

Request to Admit No. 78:

Do you admit or deny in 2010 Mr. Waleed Hamed requested MMY to sign a power of attorney, a copy is attached as Exhibit "E," to facilitate a sale of Diamond Keturah before MMY relocated from Sint Maarten?

Response: Deny.

Request to Admit No. 79:

Do you admit or deny MMY is and was a resident of Ramallah, West Bank, Palestine at the time the instant action was commenced?

Response: No knowledge, thus deny.

Request to Admit No. 80:

Do you admit or deny MMY presently resides, and since 2010 has resided, in Ramallah, West Bank, Palestine?

Response: No knowledge, thus deny.

Request to Admit No. 81:

Do you admit or deny the Hamed family and/or representatives or agents of 16 Plus knew MMY was planning to relocate from Sint Marteen sometime in the early 2010s?

Response: Deny.

Request to Admit No. 82:

Do you admit or deny the Hamed family and/or representatives or agents of 16 Plus knew MMY has not reside in Sint Marteen in 2016 and thereafter?

Response: Deny.

Request to Admit No. 83:

Do you admit or deny Waleed Hamed participated in a pattern of criminal activity that is at issue in this case?

Response: Admit.

Request to Admit No. 84:

Do you admit or deny at all times relevant to this matter Mr. Waleed Hamed was an agent or representative of the Hamed family and/or 16 Plus?

Response: Deny.

Request to Admit No. 85:

Do you admit or deny at all times relevant to this mater Mr. Waleed Hamed was authorized to act for and on behalf of the Hamed family and/or 16 Plus?

Response: Deny.

Request to Admit No. 86:

Do you admit or deny Fathi Yusuf was not the agent or representative of MMY at any time relevant hereto?

Response: Deny.

Request to Admit No. 87:

Do you admit or deny that Fathi Yusuf never represented to you that he was an agent of MMY in this case?

Response: Deny.

Request to Admit No. 88:

Do you admit or deny that MMY never represented to you that Fathi Yusuf was her agent?

Response: Deny.

Request to Admit No. 89:

Do you admit or deny that MMY never represented to you that Fathi Yusuf had the authority to act on MMY's behalf and/or was subject to her control in connection with the activity, conduct, and/or incident that is at issue in this case?

Response: Deny.

Request to Admit No. 90:

Do you admit or deny MMY was not an agent or representative of Fathi Yusuf at anytime relevant hereto?

Response: Deny.

Request to Admit No. 91:

Do you admit or deny MMY did not act at the direction of and is not subject to control by Fathi Yusuf in procuring the Promissory Note (Exhibit A) and First Priority Mortgage (Exhibit B) pertaining to Diamond Keturah?

Response: Deny.

Request to Admit No. 92:

Do you admit or deny at all times relevant to this matter 16 Plus was a Virgin Islands corporation and licensed to do business in the Territory of the U.S. Virgin Islands?

Response: Admit.

Request to Admit No. 93:

Do you admit or deny 16 Plus has not paid its annual franchise tax in accordance with 13 V.I.C. § 533(a)?

Response: Lack knowledge so deny.

Request to Admit No. 94:

Do you admit or deny a consolidated matter styled as *Hamed v. Yusuf et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278 in the Superior Court of the Virgin Islands, Division of St. Croix involves the dissolution, accounting including claimed credits and charges against partner accounts, and wind up of the partnership between Mohammed A. Hamed and Fathi Yusuf ("Hamed/Yusuf partnership")?

Response: Admit,

Request to Admit No. 95:

Do you admit or deny the pleadings in consolidated cases *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278, in the Superior Court of the Virgin Islands, Division of St. Croix sought a claim for dissolution, wind up, and accounting of a partnership including those related to Plaza Extra Stores?

Response: Admit.

Request to Admit No. 96:

Do you admit or deny in a consolidated matter styled as *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278 in the Superior Court of the Virgin Islands, Division of St. Croix, the Hamed family members submitted "Hamed Partnership Claims for 1986 through January 1, 2012," a copy is attached as Exhibit "F"?

Response: Deny.

Request to Admit No. 97:

Do you admit or deny in that submission, entitled "Hamed Partnership Claims for 1986 through January 1, 2012" (Exhibit F), the Hamed family members made a claim for \$4.5 million dollars in partnership funds which the Hamed family members claimed were transferred to Isam Yousuf in 1996-1997 and used to purchase the Diamond Keturah property?

Response: Deny.

Request to Admit No. 98:

Do you admit or deny an accounting of partnership funds, including those pertaining to Plaza Extra Stores, was litigated in a consolidated matter styled as *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278 in the Superior Court of the Virgin Islands, Division of St. Croix?

Response: Deny. Only claims as to the partners and United Corporation.

Request to Admit No. 99:

Do you admit or deny in a consolidated matter styled as *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278, the Superior Court of the Virgin Islands, Division of St. Croix rendered a decision concerning each partner's accounting pursuant to *Hamed v. Yusuf*, 2017 V.I. LEXIS 114 (Super. Ct. V.I. July 21, 2017)?

Response: Deny.

Request to Admit No. 100:

Do you admit or deny in consolidated matter styled as *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278 in the Superior Court of the Virgin Islands, Division of St. Croix, Fathi Yusuf was discharged from any and all liability to 16 Plus and the Hamed family members pertaining to the source of the \$4.5 million loan between MMY and 16 Plus?

Response: Deny.

Request to Admit No. 101:

Do you admit or deny claimed credits and charges against the partner accounts of Plaza Extra Stores partnership funds in the present action is the same and was litigated in a consolidated matter styled as *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278 in the Superior Court of the Virgin Islands, Division of St. Croix?

Response: Deny.

Request to Admit No. 102:

Do you admit or deny in consolidated cases *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278 in the Superior Court of the Virgin Islands, Division of St. Croix the Superior Court determined that the Final Wind Up Plan of the partnership relating to Plaza Extra Stores is limited in scope to claimed credits and charges to partner accounts for transactions occurring on or after September 17, 2006?

Response: Deny.

Request to Admit No. 103:

Do you admit or deny the Hamed family members' accounting claims relating to Hamed/Yusuf partnership including Plaza Extra Stores has been decided and is limited to transactions that post-date September 17, 2006 pursuant to *Hamed v. Yusuf, et al.*, 2017 V.I. LEXIS 114 (V.I. Super. Ct. July 21, 2017)?

Response: Deny.

Request to Admit No. 104:

Do you admit or deny the alleged transfer of Plaza Extra Stores partnership funds that is the subject of the loan in this action occurred in 1997 and prior thereto?

Response: Deny.

Request to Admit No. 105:

Do you admit or deny an accounting of Plaza Extra Stores partnership funds for the years 1996-1997 was encompassed and determined pursuant to *Hamed v. Yusuf*, 2017 V.I. LEXIS 114 (Super. Ct. V.I. July 21, 2017)?

Response: Deny.

Request to Admit No. 106:

Do you admit or deny the Superior Court of the Virgin Islands, Division of St. Croix in *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278, concluded Plaza Extra Stores is not the source of the funds for the purchase of Diamond Keturah property?

Response: Deny.

Request to Admit No. 107:

Do you admit or deny the Superior Court of the Virgin Islands, Division of St. Croix in *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278, concluded Plaza Extra Stores is not the source of the funds MMY advanced to 16 Plus in exchange for the mortgage relating to Diamond Keturah property?

Response: Deny.

Request to Admit No. 108:

Do you admit or deny the Hamed family members are precluded from challenging that Manal Mohamad Yoused supplied the funds to 16 Plus subject to a mortgage for Diamond Keturah in prior consolidated actions styled as *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278 in the Superior Court of the Virgin Islands, Division of St. Croix pursuant to *Hamed v. Yusuf*, 2017 V.I. LEXIS 114 (Super. Ct. V.I. July 21, 2017)?

Response: Deny.

Request to Admit No. 109:

Do you admit or deny 16 Plus in the present action has the same interest as the Hamed family members in a consolidated matter styled as *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278 in the Superior Court of the Virgin Islands, Division of St. Croix?

Response: Deny.

Request to Admit No. 110:

Do you admit or deny 16 Plus in the present action is in privity with the Hamed family members in a consolidated matter styled as *Hamed v. Yusuf, et al.*, Civil Nos. SX- 12-CV-370, SX-14-CV-287, and SX-14-CV-278 in the Superior Court of the Virgin Islands, Division of St. Croix?

Response: Deny.

Request to Admit No. 111:

Do you admit or deny the Hamed family members with an interest in 16 Plus are identical to or in privity with the named Hamed parties referred to in the consolidated cases *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV- 278, in the Superior Court of the Virgin Islands, Division of St. Croix?

Response: Deny.

Request to Admit No. 112:

Do you admit or deny Mr. Waleed Hamed, who executed the Promissory Note (Exhibit A) and Mortgage (Exhibit B) as President of 16 Plus, is the same Waleed Hamed who appeared as a party in the consolidated cases *Hamed v. Yusuf, et al.*, Civil Nos. SX- 12-CV-370, SX-14-CV-287, and SX-14-CV-278, in the Superior Court of the Virgin Islands, Division of St. Croix?

Response: Admit he is same person, but deny as to the same capacity – there he is representative for his Father.

Request to Admit No. 113:

Do you admit or deny Mr. Hisham Hamed, who is a plaintiff in the present action, is the same Hisham Hamed who was a party in the consolidated cases *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278, in the Superior Court of the Virgin Islands, Division of St. Croix?

Response: [I can answer this of personal knowledge and therefore do not object.] Admit.

Request to Admit No. 114:

Do you admit or deny Mr. Waleed Hamed, who is referenced in the First Amended Complaint in the present action is the same Waleed Hamed who was a party in the consolidated cases *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278 in the Superior Court of the Virgin Islands, Division of St. Croix?

Response: Admit as to person, deny as to capacity.

Request to Admit No. 115:

Do you admit or deny the Hamed family members, who are referenced in the Answer to Complaint and Counterclaim of 16 Plus in the present action are the same Hamed family members who were parties in the consolidated cases *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278 in the Superior Court of the Virgin Islands, Division of St. Croix?

Response: Admit as to persons, deny as to capacity.

Request to Admit No. 116:

Do you admit or deny the interests of 16 Plus was fully and fairly represented by the Hamed family members in a matter styled as *Hamed v. Yusuf, et al.*, Civil Nos. SX- 12-CV-370, SX-14-CV-287, and SX-14-CV-278 in the Superior Court of the Virgin Islands, Division of St. Croix?

Response: Deny.

Request to Admit No. 117:

Do you admit or deny the interests of Mr. Hisham Hamed was fully and fairly represented by himself and the Hamed family members in a matter styled as *Hamed v. Yusuf, et al.*, Civil Nos. SX-12-CV-370, SX-14-CV-287, and SX-14-CV-278 in the Superior Court of the Virgin Islands, Division of St. Croix?

Response: : [I can answer this of personal knowledge and therefore do not object.] Deny.

Request to Admit No. 118:

Do you admit or deny the damages and/or remedies sought by you against Isam Yousuf and/or Jamil Yousuf in this case are precluded by the Superior Court of the Virgin Islands, Division of St. Croix in *Hamed v. Yusuf*, 2017 V.I. LEXIS 114 (Super. Ct. V.I. July 21, 2017)?

Response: Deny.

Request to Admit No. 119:

Do you admit or deny the damages and/or remedies sought by you against MMY in this case are precluded by the Superior Court of the Virgin Islands, Division of St. Croix in *Hamed v. Yusuf*, 2017 V.I. LEXIS 114 (Super. Ct. V.I. July 21, 2017)?

Response: Deny.

Request to Admit No. 120:

Do you admit or deny that you did not suffer and/or incur injuries and/or damages as a result of the alleged misrepresentation made by MMY regarding the loan agreement between MMY and 16 Plus that is at issue in this case?

Response: Deny.

Request to Admit No. 121:

Do you admit or deny that MMY, Isam Yousuf, and/or Jamil Yousuf never induced 16 Plus to contract for a loan that is at issue in this case?

Response: Deny.

Request to Admit No. 122:

Do you admit or deny that you did not detrimentally rely on the alleged CICO- prohibited activity and/or conduct of MMY, Isam Yousuf, and/or Jamil Yousuf that is at issue in this case?

Response: Admit detrimental reliance. Wording is confusing.

Request to Admit No. 123:

Do you admit or deny that you did not suffer and/or incur injuries and/or damages to yourself and to business and/or to property in connection with the alleged CICO- prohibited activity, conduct, and/or incident involving MMY, Isam Yousuf, and/or Jamil Yousuf that is at issue in this case?

Response: Admit did suffer, wording is confusing.

Dated: October 26, 2022

s/ Carl J. Hartmann III
Carl J. Hartmann III
Co-Counsel for Sixteen Plus
2940 Brookwind Dr.
Holland, MI 49424
(340) 642-4422
carl@carlhartmann.com

CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page or word limitation set forth in Rule 6-1(e) and that on October 26, 2022, I served a copy of the foregoing by email, as agreed by the parties at the address below

Charlotte Perrell
Stefan Herpel, Esq.
Law House, 10000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00804-0756
Tel: (340) 774-4422
sherpel@dtflaw.com

James L. Hymes, III, Esq.
P.O. Box 990
St. Thomas, VI 00804-0990
Tel: (340) 776-3470
jim@hymeslawvi.com

/s/ Carl J. Hartmann III



FILED

October 25, 2022 01:34 PM

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 for |) | CIVIL NO. SX-2016-CV-00650 |
| SIXTEEN PLUS CORPORATION, |) | |
| |) | |
| Plaintiff, |) | DERIVATIVE SHAREHOLDER |
| |) | SUIT, ACTION FOR DAMAGES |
| vs. |) | AND CICO RELIEF |
| FATHI YUSUF, ISAM YUSUF and |) | |
| JAMIL YOUSEF, |) | |
| |) | JURY TRIAL DEMANDED |
| Defendants. |) | |
| |) | |
| and |) | |
| |) | |
| SIXTEEN PLUS CORPORATION, |) | |
| |) | |
| a nominal Defendant, |) | |
| |) | |

NOTICE TO THE COURT

TO: TAMARA CHARLES
Clerk of the Court
SUPERIOR COURT OF THE VIRGIN ISLANDS
Division of St. Croix
RFD 2, Kingshill, St. Croix
U.S. Virgin Islands 00850

PLEASE TAKE NOTICE that pursuant to the provisions of Rule 36(a)(3) of the Virgin islands Rules of Civil Procedure, all of the requests to admit served on the Plaintiff, **HISHAM HAMED, Derivatively on behalf of SIXTEEN PLUS CORPORATION**, on the 15th day of September, 2022, by Defendants Isam Yousuf and Jamil Yousuf (incorrectly identified as Jamil Yousef in the Caption), are hereby deemed admitted by reason of the

fact that the matters requested to be admitted were never responded to within thirty (30) days of the date of service of same, or an objection filed addressed to the matter and signed by the party or its attorney.

Respectfully Submitted,

DATED: October 25, 2022.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
Counsel for Defendants –
Isam Yousuf, and Jamil Yousuf

By: */s/James L. Hymes, III*

JAMES L. HYMES, III
VI Bar No. 264
P.O. Box 990
St. Thomas, Virgin Islands 00804-0990
Telephone: (340) 776-3470
Facsimile: (340) 775-3300
E-Mail: jim@hymeslawvi.com;
rauna@hymeslawvi.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 25th day of October, 2022, as an approved C-Track filer on behalf of James L. Hymes, III, I caused an exact copy of the foregoing ***“Notice to the Court”*** to be served electronically through the C-Track system upon the following counsel of record.

JOEL H. HOLT, ESQ.
LAW OFFICES OF JOEL H. HOLT
2132 Company Street
Christiansted, USVI, 00820
holtvi@aol.com
Counsel for Plaintiff

CARL J. HARTMANN, III, ESQ.
5000 Estate Coakley Bay, L-6
Christiansted, VI 00820
carl@carlhartmann.com
Co-Counsel for Plaintiff

CHARLOTTE PERRELL, ESQ.
STEFAN HERPEL, ESQ.
DUDLEY NEWMAN FEUERZEIG
Law House, 1000 Frederriksberg Gade
P.O. Box 756
St. Thomas, VI 00804-0756
cperrell@dnfvi.com
sherpel@dnfvi.com
Attorneys for Defendant Fathi Yusuf

KEVIN A. RAMES, ESQ.
KEVIN A. RAMES, P.C.
2111 Company Street, Suite 3
Christiansted, VI 008220
kevin.rames@rameslaw.com
Attorneys for Sixteen Plus Corporation

/s/ Rauna Stevenson-Otto



From: Carl Hartmann
To: "Jim Hymes"; "Rauna Stevenson"
Cc: "Kim Japinga"; "JOEL HOLT"
Subject: Response to Manal Request to admit
Date: Tuesday, October 25, 2022 4:20:00 PM
Attachments: 2022-09-18 Hamed Response to Manal Req to Admit in 65-346.pdf

Jim:

I show the responses sent on 9/18.—but I do not see the filing of the notice of filing by Jay. Could you check your email to see if you received it. You might look in another folder such as junk as it was on an awkward exchange...Rauna and I had a problem with the incorrect email addresses and things not getting delivered going for these. If you don't find it I will check further. Please note before we get into a big deal about this that all but two of the requests were objected to as being served on the wrong person—so I'm sure the admissions would be useless in any case.

Carl

CARL J. HARTMANN III
EMAIL: CARL@HARTMANN.ATTORNEY
TELEPHONE: (616) 416-0956
WEBSITE : WWW.HARTMANN.ATTORNEY



Carl Hartmann

From: Carl Hartmann
Sent: Wednesday, October 26, 2022 12:43 AM
To: 'Charlotte Perrell'; Stefan Herpel; Pamela Bayless
Cc: 'Jim Hymes'; 'Rauna Stevenson'; 'JOEL HOLT'; 'Kim Japinga'
Subject: Hamed response to Manal RFA
Attachments: 2022-09-18 Hamed Response to Manal Req to Admit in 65-346.pdf

Charlotte:

Earlier today Jim filed a notice of no response regarding Manal's RFAs. I have asked him to check his other folders as Rauna and I were having address issues. However, having just completed a lengthy search for the email, I cannot be certain that the document did go out, as opposed to getting trapped in either my draft or outbox folder instead of sending correctly when I hit send. In any case, out of an abundance of caution, I am re-serving it to all.

Please ask Pam to check her inbox and junk mail folders for the 18th as well as your own.

Carl

CARL J. HARTMANN III
EMAIL: CARL@HARTMANN.ATTORNEY
TELEPHONE: (616) 416-0956

WEBSITE : WWW.HARTMANN.ATTORNEY



Carl Hartmann

From: Carl Hartmann
Sent: Wednesday, October 26, 2022 12:51 AM
To: 'Jim Hymes'; 'JOEL HOLT'
Cc: 'Kim Japinga'; 'Rauna Stevenson'
Subject: Jim please discuss RFA with Joel

Jim:

I have just spent several hours trying to determine why you did not receive the RFAs. I sent it, but I cannot prove that with any document or log--and absent you or DNF getting it (you saw the email to Charlotte inquiring of them), I must assume that there was some error.

Please discuss this with Joel and I will proceed from there.

Carl

CARL J. HARTMANN III
EMAIL: CARL@HARTMANN.ATTORNEY
TELEPHONE: (616) 416-0956

WEBSITE : WWW.HARTMANN.ATTORNEY



Carl Hartmann

From: Carl Hartmann
Sent: Wednesday, October 26, 2022 12:12 PM
To: 'Charlotte Perrell'; Stefan Herpel; Pamela Bayless
Cc: 'Jim Hymes'; 'Rauna Stevenson'; 'JOEL HOLT'; 'Kim Japinga'
Subject: Hisham Hamed's Responses to Yusuf RFA, Interrogs and RFPD; and Manal RFA
Attachments: 2022-10-26 Hamed Resp to Manal Req to Admit in 65-346.pdf; 2022-10-26 650 Hamed responses to Yusuf Req for Docs.pdf; 2022-09-18 650 Hamed Response to Yusuf Inteerogs.pdf; 2022-09-18 650 Hamed Response to Yusuf RFA.pdf

All:

It is obvious that there was an issue with the responses sent to both opposing counsel on September 18, 2022.

Therefore, I have changed the signature and service dates on these documents and am serving them today.

A new notice of service will be filed to reflect this.

Carl

CARL J. HARTMANN III
EMAIL: CARL@HARTMANN.ATTORNEY
TELEPHONE: (616) 416-0956

WEBSITE : WWW.HARTMANN.ATTORNEY



Carl Hartmann

From: Carl Hartmann
Sent: Friday, October 28, 2022 6:08 PM
To: 'Charlotte Perrell'
Subject: Thank you.

Joel said you agreed re the RFA. I told him you would...but thanks.

Carl

CARL J. HARTMANN III
EMAIL: CARL@HARTMANN.ATTORNEY
TELEPHONE: (616) 416-0956

WEBSITE : WWW.HARTMANN.ATTORNEY

Carl Hartmann

From: carl@hartmann.attorney
Sent: Friday, November 4, 2022 4:17 PM
To: 'Rauna Stevenson'; 'Jim Hymes'
Cc: 'Kim Japinga'
Subject: Request

Jim:

May I represent to the Court the following in the 65/342 action—that the amendment/enlargement is uncontested, as I did in the 650 action?

Carl

**HISHAM HAMED'S UNCONTESTED MOTION
FOR ENLARGEMENT OF TIME
FOR HIS FILING OF RESPONSES TO REQUESTS TO ADMIT BY FATHI YUSUF**

COMES NOW Hisham Hamed, through undersigned counsel, and moves the Court, pursuant to Rule 36(b) to allow him to amend his answers out of time.

On September 15, 2022, counsel for Manal Yousuf served requests for admission on undersigned counsel for Hamed. The response was due October 15, 2022. Due to an emailing error, the responses were not timely served. Once notified of the issue, Hamed's counsel did serve the response on October 26, 2022—eleven days late.

No depositions have been taken in the case and other enlargements have been mutually granted during discovery by the parties. Thus, there is no delay or prejudice.

Opposing counsel has agreed to the enlargement. An order is attached.

CARL J. HARTMANN III
EMAIL: CARL@HARTMANN.ATTORNEY
TELEPHONE: (616) 416-0956
WEBSITE : WWW.HARTMANN.ATTORNEY



⤴ RE: Request

Rauna Stevenson **rauna**@hymeslawvi.com

Sent: 11/4/2022 4:31 PM
To: carl@hartmann.attorney; Jim Hymes
Cc: 'Kim Japinga'

 Message  image001.png

Good Afternoon, Attorney Hartmann: I reached out to Attorney Hymes, who is out of the office until Monday. He asked me to let you know that he is okay with your statement below.

Rauna

From: carl@hartmann.attorney <carl@hartmann.attorney>
Sent: Friday, November 4, 2022 4:17 PM
To: Rauna Stevenson <rauna@hymeslawvi.com>; Jim Hymes <jim@hymeslawvi.com>
Cc: 'Kim Japinga' <kim@japinga.com>
Subject: Request

Jim:

May I represent to the Court the following in the 65/342 action—that the amendment/enlargement is uncontested, as I did in the 650 action?

Carl



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 YOUSEF**

Defendants,

and

SIXTEEN PLUS CORPORATION,

a nominal Defendant.

Case No.: SX-2016-CV-00650

**DERIVATIVE SHAREHOLDER
SUIT, ACTION FOR DAMAGES
AND CICO RELIEF**

JURY TRIAL DEMANDED

**PLAINTIFF HISHAM HAMED'S
UNCONTESTED MOTION
FOR ENLARGEMENT OF TIME
FOR HIS FILING OF RESPONSES TO REQUESTS TO ADMIT BY FATHI YUSUF**

COMES NOW the plaintiff, Hisham Hamed, through undersigned counsel, and moves the Court, pursuant to Rule 36(b) to allow him to amend his answers out of time.

On September 15, 2022, counsel for Fathi Yusuf served requests for admission on undersigned counsel for Hamed. The response was due October 15, 2022. Due to an emailing error, the responses were not timely served. Once notified of the issue, counsel for Hamed did serve the response on October 26, 2022—eleven days late.

No depositions have been taken in the case and other enlargements have been mutually granted during discovery by the parties. Thus, there is no delay or prejudice.

Opposing counsel has agreed to the enlargement. An order is attached.

Dated: October 31, 2022



Carl J. Hartmann III, Esq.
Co-Counsel for Defendants
2940 Brookwind Dr,
Holland, MI 49424
Telephone: (340) 642-4422
Email: carl@carlhartmann.com

Joel H. Holt, Esq.
Counsel for Plaintiffs
Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, VI 00820
Email: holtvi@aol.com

CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page or word limitation set forth in Rule 6-1(e) and that on this 31st day of September, 2022, I served a copy of the foregoing by email, via the Court's E-Filing process, on:

Charlotte Perrell, Esq.
Stefan Herpel, Esq.
Law House, 10000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00804-0756
Tel: (340) 774-4422
sherpel@dtflaw.com

James L. Hymes, III, Esq.
P.O. Box 990
St. Thomas, VI 00804-0990
Tel: (340) 776-3470
jim@hymeslawvi.com

Kevin A. Rames, Esq.
2111 Company Street, Suite 3
Christiansted, VI 00820
Tel: (340) 773-7284
kevin.rames@rameslaw.com



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 YOUSEF**

Defendants,

and

SIXTEEN PLUS CORPORATION,

a nominal Defendant.

Case No.: 2016-SX-CV-650

**DERIVATIVE SHAREHOLDER
SUIT, ACTION FOR DAMAGES
AND CICO RELIEF**

JURY TRIAL DEMANDED

ORDER

THIS MATTER having come before the Court on the uncontested motion of plaintiff pursuant to Rule 36(b) and the Court being informed in its premises, it is hereby:

ORDERED, that the Plaintiff is allowed to amend his responses to Fathi Yusuf's Requests to Admit that were due on October 15, 2022—and that his re-service of October 26, 2022 shall be deemed valid.

Dated: _____, 2022

ATTEST: TAMARA CHARLES,
Clerk of the Court

Douglas A. Brady
Judge of the Superior Court

By: Court Clerk Supervisor



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

**HISHAM HAMED, individually,
and derivatively for
SIXTEEN PLUS CORPORATION,**

Plaintiffs/Counterclaim Defendant,

v.

MANAL MOHAMMAD YOUSEF,

Defendant/Counterclaim Plaintiff.

CIVIL NO. SX-16-CV-00065

**ACTION FOR
DECLARATORY JUDGMENT
CICO and FIDUCIARY DUTY**

JURY TRIAL DEMANDED

**MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD YOUSEF, Plaintiff**

v.

SIXTEEN PLUS CORPORATION,

Defendant.

CIVIL NO. SX-17-CV- 00342

**ACTION FOR DEBT AND
FORECLOSURE**

**COUNTERCLAIM FOR
DAMAGES**

JURY TRIAL DEMANDED

SIXTEEN PLUS CORPORATION,

Counterclaim Plaintiff,

v.

**MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD,**

Counterclaim Defendants, and

FATHI YUSUF,

Third Party Defendant.

**HISHAM HAMED'S UNCONTESTED MOTION FOR ENLARGEMENT OF TIME
FOR HIS FILING OF RESPONSES TO REQUESTS TO ADMIT BY MANAL YOUSUF**

COMES NOW Hisham Hamed, through undersigned counsel, and moves the Court, pursuant to Rule 36(b) to allow him to amend his answers out of time.

On September 15, 2022, counsel for Manal Yousuf served requests for admission on undersigned counsel for Hamed. The response was due October 15, 2022. Due to an emailing error, the responses were not timely served. Once notified of the issue, Hamed's counsel did serve the response on October 26, 2022—eleven days late.

No depositions have been taken in the case and other enlargements have been mutually granted during discovery by the parties. Thus, there is no delay or prejudice.

Opposing counsel has agreed to the enlargement. An order is attached.

Dated: November 4, 2022

/s/ Carl J. Hartmann III
Carl J. Hartmann III
Co-Counsel for Sixteen Plus
2940 Brookwind Dr.
Holland, MI 49424
(340) 642-4422
carl@carlhartmann.com

CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page or word limitation set forth in Rule 6-1(e) and that on 11/4/2022, I served a copy of the foregoing by the Court's E-File system, as agreed by the parties at the addresses below

Charlotte Perrell
Stefan Herpel, Esq.
Law House, 10000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00804-0756
Tel: (340) 774-4422
sherpel@dtflaw.com

James L. Hymes, III, Esq.
P.O. Box 990
St. Thomas, VI 00804-0990
Tel: (340) 776-3470
jim@hymeslawvi.com

/s/ Carl J. Hartmann III

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

**HISHAM HAMED, individually,
and derivatively for
SIXTEEN PLUS CORPORATION,**

Plaintiffs/Counterclaim Defendant,

v.

MANAL MOHAMMAD YOUSEF,

Defendant/Counterclaim Plaintiff.

CIVIL NO. SX-16-CV-00065

**ACTION FOR
DECLARATORY JUDGMENT
CICO and FIDUCIARY DUTY**

JURY TRIAL DEMANDED

**MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD YOUSEF, *Plaintiff***

v.

SIXTEEN PLUS CORPORATION,

Defendant.

CIVIL NO. SX-17-CV- 00342

**ACTION FOR DEBT AND
FORECLOSURE**

**COUNTERCLAIM FOR
DAMAGES**

JURY TRIAL DEMANDED

SIXTEEN PLUS CORPORATION,

Counterclaim Plaintiff,

v.

**MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD,**

Counterclaim Defendants, and

FATHI YUSUF,

Third Party Defendant.

ORDER

THIS MATTER having come before the Court on the uncontested motion of Hisham Hamed pursuant to Rule 36(b) and the Court being informed in its premises, it is hereby:

ORDERED, that the Plaintiff is allowed to amend his responses to Manal Yousuf's Requests to Admit that were due on October 15, 2022—and that his re-service of October 26, 2022 shall be deemed valid.

Dated: _____, 2022

ATTEST: TAMARA CHARLES,
Clerk of the Court

By: Court Clerk Supervisor

Douglas A. Brady
Judge of the Superior Court

FILED

November 16, 2022 06:57 PM
SX-2016-CV-00065
TAMARA CHARLES
CLERK OF THE COURT



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

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,

CIVIL NO. SX-17-CV- 00342

**ACTION FOR DEBT AND
FORECLOSURE**

**COUNTERCLAIM FOR
DAMAGES**

THIRD PARTY ACTION

JURY TRIAL DEMANDED

Consolidated With

CIVIL NO. SX-16-CV-00065

**ACTION FOR
DECLARATORY JUDGMENT,
CICO and FIDUCIARY DUTY**

COUNTERCLAIM

JURY TRIAL DEMANDED

SIXTEEN PLUS CORPORATION,
Plaintiff,

v.

MANAL MOHAMMAD YOUSEF,
Defendant.,

and

MANAL MOHAMMAD YOUSEF,
Counter-Plaintiff.,

v.

SIXTEEN PLUS CORPORATION,
Counter-Defendant.

**SIXTEEN PLUS CORPORATION'S
NOTICE
TO THE CLERK OF THE COURT
RE CAPTIONING / EFILE ISSUE**

Sixteen Plus Corporation, through undersigned co-counsel, hereby gives notice to the Clerk of the Court and all parties of a series of multi-party, multi-instance errors, both in the captions (on a number of documents) and in the Court's E-File system. He asks the Clerk for an administrative correction in the E-File system.

1. Hisham Hamed is not and never has been a party in either the 342 action or the 65 action. He is, therefore, not a party in the consolidated 342/65 action. That party identification was picked up by accident from the companion 650 action, *Sixteen Plus Corporation v. Fathi Yusuf, Isam **Yousuf** and Jamil **Yousuf***, SX-2016-CV-00650, which is also pending before Judge Brady. Hisham Hamed has been repeatedly identified as a Plaintiff. That error has been picked up in the E-File system.
2. **The undersigned asks the Clerk to correct the fact that the E-File system incorrectly identifies the 342/65 action as having “Hisham Hamed” as the Plaintiff when notices are emailed to counsel. Also, when E-Filing, there is a “Filed on Behalf of” checkbox for “Hisham Hamed” but none for “Sixteen Plus Corporation”.**
3. When notices of filing are sent out, they read “Hisham Hamed” *both for the consolidated 342/65 case and for the 650 case*. This can be confusing.
4. Also, Kevin Rames, Esq. is not counsel to any party in this 342/65 action. However, he ***is*** the sole counsel to the nominal defendant, Sixteen Plus Corporation, in SX-2016-CV-00650 and must be served in that case.
5. Joel H. Holt and Carl J. Hartmann III are counsel to Sixteen Plus Corporation in this 342/65 action—they are not its counsel in the SX-2016-CV-00650 action. They are counsel only to the Plaintiff, Hisham Hamed, in the 650 action.

6. James Hymes is counsel to Manal **Yousef** in the 342/65 action, and counsel to Isam **Yousuf** and Jamil **Yousuf** in the 650 action. Manal Yousef is not a party to the 650 action.
7. Charlotte Perrell and Stefan Herpel represent Fathi **Yusuf** in both the 342/65 action (where Fathi Yusuf is a Third-Party Defendant) and in 650, where he is a Defendant.
8. I have also noted (by bolding) the correct spellings of the names of Ms. Yousef, Mr. Yusuf and the two Yousufs. There were various spelling errors earlier—the names here are from government ID's supplied by the parties or their counsel.

Undersigned counsel greatly apologizes to the Clerk and the Court for any part he (or his mis-captioned filings) played in this confusion—but these cases have been through an odd path of consolidations, non-consolidations, and judges--as well as an effort to have them joined together in a single Complex Litigation proceeding.

Dated: November 16, 2022

/s/ Carl J. Hartmann III

Carl J. Hartmann III

Co-Counsel to Sixteen Plus Corp.

2940 Brookwind Dr.

Holland, MI 49424

Phone: (340) 642-4422

Fax: (202) 403-3750:

Joel H. Holt

Counsel to Sixteen Plus Corp.

Law Offices of Joel H. Holt

2132 Company Street,

Christiansted, VI 00820

Email: holtvi@aol.com

Tele: (340) 773-8709

CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page and word limitation set forth in Rule 6-1(e) and that on November 16, 2022, I served a copy of the foregoing by the Court's E-File system, as agreed by the parties at the addresses below

Charlotte Perrell
Stefan Herpel, Esq.

DNF
Law House, 10000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00804-0756
Tel: (340) 774-4422
cperrell@dnfvi.com
sherpel@dtflaw.com

James L. Hymes, III, Esq.

P.O. Box 990
St. Thomas, VI 00804-0990
Tel: (340) 776-3470
jim@hymeslawvi.com

With a Courtesy Copy to: **Kevin Rames, Esq.**

/s/ Carl J. Hartmann III