

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

**HISHAM HAMED, on behalf of himself  
and derivatively, on behalf of SIXTEEN  
PLUS CORPORATION,**

*Plaintiffs,*

**v.**

**FATHI YUSUF, ISAM YOUSUF,  
JAMIL YOUSUF, and  
MANAL MOHAMMAD YOUSEF,**

*Defendants,*

and

**SIXTEEN PLUS CORPORATION,**

*a nominal defendant.*

**Case No.: 2016-SX-CV-650**

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

**JURY TRIAL DEMANDED**

**CONSOLIDATED CASES: Civil Case No. SX-2016-CV-650; Civil Case No. SX-2016-CV 00065; Civil Case No. SX-2017-CV-342**

**NOTICE RE SPECIAL MASTER'S INQUIRY AS TO ANY OBJECTIONS TO HIS  
BEING THE TRIAL JUDGE IN THESE THREE CONSOLIDATED CASES**

**COMES NOW**, counsel to Hisham Hamed in this action, Joel H. Holt, and hereby states that his client does not consent to Judge Ross being the trial judge in this case. While no request was made to provide a reason for not consenting to Judge Ross being the trial judge, Hamed feels compelled to explain his objection, as there are two separate and independent reasons for this position.

First, Hamed objected to Judge Ross being the Special Master in the first place, an issue that needs to be preserved for any appeals in this case. While Hamed agreed

that Judge Ross could address scheduling and discovery issues in this case, which do not involve the merits of the underlying dispute, Hamed cannot agree to Judge Ross overseeing, much less deciding, the substantive issues in this matter.

Second, Judge Ross has made several rulings based on the credibility of certain of the Hamed principals, which Yusuf improperly used in a recent jury trial (over Hamed's strenuous objections since none of the Special Master's findings are final rulings) involving a former Plaza East employee, Wadda Charriez, as well as Fathi Yusuf and United Corporation.<sup>1</sup> Thus, it is clear that Judge Ross should not hear substantive issues as the actual trial judge, as Yusuf and United will clearly try to use these rulings again, which the trial judge will have to address in this case. In short, it would be a conflict for Judge Ross to have to rule on the admissibility of his prior rulings if there is an attempt to introduce them into evidence in this case.

**Dated:** August 9, 2024

/s/ Joel H. Holt

**Joel H. Holt, Esq.** (Bar # 6)  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of August 2024, I served a copy of the foregoing--by the Court's E-File System and email, as agreed by the parties, on:

**Charlotte Perrell**  
**Stephen Herpel**  
Counsel for Defendant Fathi Yusuf

**Kevin Rames,**  
**Counsel for Nominal Defendant**  
Sixteen Plus Corporation

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<sup>1</sup> These specific rulings will be appealed once the partnership accounting matters referred to the Special Master are all completed.

**Christopher Allen Kroblin**  
**Marjorie Whalen**  
Counsel for Defendants  
Manal Mohammad Yousef  
Jamil Yousuf  
Isam Yousuf

/s/ Joel H. Holt