

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 YOUSUF,)

Defendants,)

and)

SIXTEEN PLUS CORPORATION,)

a nominal defendant.)

SIXTEEN PLUS CORPORATION,)

Plaintiff,)

v.)

MANAL MOHAMMAD YOUSEF,)

Defendant,)

and)

MANAL MOHAMMAD YOUSEF,)

Counter-Plaintiff,)

v.)

SIXTEEN PLUS CORPORATION,)

Counter-Defendant.)

CASE NO.: SX-2016-CV-00650

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

JURY TRIAL DEMANDED

CASE NO. SX-2016-CV-00065

**ACTION FOR DECLARATORY
JUDGMENT**

JURY TRIAL DEMANDED

**CASE NO. SX-2017-CV-00342
(CONSOLIDATED)**

**ACTION FOR DEBT AND
FORECLOSURE**

JURY TRIAL DEMANDED

FATHI YUSUF'S NOTICE TO COURT

Fathi Yusuf (“Yusuf”), a defendant in the 650 case and a third-party defendant in the 342 case in the above-captioned proceedings, hereby notifies the Court, in response to its July 19, 2024 Order, that it agrees to having Special Master Ross preside over the jury trial of these consolidated cases. In a filing made earlier today in these consolidated proceedings, Hisham Hamed argued, *inter alia*, that Judge Ross would be conflicted as a trial judge from ruling on the admissibility of prior rulings he made as Special Master in the 370 case if there is an attempt to introduce them into evidence in the trial. *See* 8/9/24 Notice Re: Special Master’s Inquiry as to any Objections to his Being the Trial Judge in these Three Consolidated Cases, p. 2. Yusuf disagrees that Judge Ross would be “conflicted” if asked under Rule of Evidence 403 to exclude evidence of a prior ruling in the 370 case. Judges are routinely asked to exclude from evidence certain rulings made in the same case, such as orders denying a motion for summary judgment, and there is no conflict that bars them from deciding whether that kind of evidence may or may not come in. The same is true of an order entered in a related case.

Respectfully Submitted,

DUDLEY NEWMAN FEUERZEIG LLP

DATED: August 9, 2024

By: /s/Stefan B. Herpel
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CERTIFICATE OF SERVICE

It is hereby certified that on the 9th day of August, 2024, the foregoing Fathi Yusuf's Notice to Court, which complies with the page and word limitations set forth in Rule 6-1(e), was filed with the Clerk of the Court with the electronic filing system, and served same upon the following counsel for other parties by means of the electronic case filing system:

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s/Stefan B. Herpel