

**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-2017-CV-00342

**ACTION FOR DEBT AND
FORECLOSURE**

**COUNTERCLAIM FOR
DAMAGES**

THIRD PARTY ACTION

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

**RULE 6-1(d) DECLARATION
IN SUPPORT OF SIXTEEN PLUS' MOTION RE IN PARI DELICTO**

I, Joel H. Holt, declare, pursuant to V.I. R. CIV. P. 84, as follows:

1. Before consolidation by Judge Willocks (on December 16, 2019) Sixteen Plus filed separate answers in both the 65 and 342 cases containing assertions of the factual bases for the affirmative defenses of "unclean hands" and "in pari delicto" as follows:

a. In 65, the June 7, 2017 answer to Manal's Amended Counterclaim recited:

7. Defendant is barred from the relief sought in the Amended counterclaim because the sham note and mortgage referred to in the Amended Counterclaim are unenforceable because the sham note and mortgage

were procured as part of and in furtherance of a fraudulent criminal conspiracy in which Defendant was an active participant.

b. In 342, the October 12, 2017 answer and counterclaim to Manal's Complaint recited:

8. The Plaintiff's Complaint and attached Note and Mortgage are unenforceable due to the illegality of the transaction.

2. Thereafter, on January 1, 2023, Sixteen Plus filed a consolidated motion (in both 65 and 342) to clarify that the intent of the language in its two answers was to invoke both the affirmatives' defenses of unclean hands and in pari delicto.
3. In 342, Fathi Yusuf opposed the motion in his opposition dated February 10, 2023.
4. Similarly, Manal Yousef opposed the motion in her consolidated opposition dated February 21, 2024.
5. Thereafter, Sixteen Plus filed its consolidated reply on February 23, 2024
6. Recently, in the companion CICO/Fraud action (650), Fathi Yusuf and Manal Yousef filed Answers to the Second Amended Complaint on September 16, 2024 in which they asserted the "in pari delicto" affirmative defense in the same transaction at issue in this case.
7. Thus, Manal Yousef and Fathi Yusuf have asserted the same affirmative defense of in pari delicto that they objectsto Sixteen Plus seeking to have available to it.

I declare under penalty of perjury that the foregoing is true and correct, executed on this 8th day of October, 2024.



JOEL H. HOLT