

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

Case No. 1:12-cv-99

MOHAMMAD HAMED, by his)
authorized agent, WALEED HAMED,)
)
Plaintiffs,)
)
v.)
)
FATHI YUSUF and UNITED CORPORATION,)
)
Defendants.)
_____)

DEFENDANTS’ NOTICE OF FILING

Defendants hereby give notice of the filing of a January 18, 2012 Joint Status Report (the “January 18, 2012 JSR”) and a July 19, 2012 Joint Status Report (the “July 19, 2012 JSR”), both filed in a related tax action styled, *Fathi Yusuf v. Commissioner of Internal Revenue*, Docket No. 11455-08, pending in the United States Tax Court, which reports are attached hereto as Exhibits 1 and 2, respectively.

Defendants file the attached reports pursuant to the parties’ representations in the present action regarding United Corporation’s status as an “S” corporation.

Specifically, the January 18, 2012 JSR provides that the “corporate defendant” in the underlying criminal action, *i.e.*, United Corporation, prepared and submitted to the Virgin Islands Bureau of Internal Revenue (“VIBIR”) a set of tax returns reflecting its status as a “subchapter S corporation[.]” (January 18, 2012 JSR at ¶¶ 3-4). The July 19, 2012 JSR reaffirms United Corporation’s status as a “subchapter S corporation[.]” and indicates that the VIBIR in fact “reviewed” the tax returns at issue. The foregoing representations were jointly made to the United States Tax Court by the parties’ respective counsel in that action, including, on Fathi Yusuf’s behalf,

the firm of Andreozzi Fickess, LLP. The Andreozzi firm represents Waleed Hamed in the underlying criminal action. (*See* Doc. # 19-12 at 4:2-5).

In short, the attached reports reflect the *third* federal court, at least, to which the present Plaintiffs – Mohammed Hamed and Waleed Hamed – have asserted that United Corporation is an “S” corporation without, until this action, any prior assertion regarding a purported supermarket “partnership” for which United somehow is suddenly now required to “account for [any] partnership profit split.” (*Cf.* Doc. # 21 at 2 n.2).

Respectfully submitted,

/s/ Joseph A. DiRuzzo, III
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Dated November 2, 2012

CERTIFICATE OF SERVICE

I hereby certify that, on November 2, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on the following counsel of record via transmission of a Notice of Electronic Filing generated by CM/ECF: Joel H. Holt, Esq., 2132 Company St. Suite 2, Christiansted VI 00820; Carl J. Hartmann III, Esq., 5000 Estate Coakley Bay, L-6, Christiansted, VI 00820.

/s/ Joseph A. DiRuzzo, III
Joseph A. DiRuzzo, III

Jan. 17. 2012, 4:08PM Andreozzi

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UNITED STATES TAX COURT

FATHI YUSUF,)	
)	
Petitioner,)	
)	
)	Docket No. 11455-08
)	Electronically Filed
COMMISSIONER OF INTERNAL REVENUE,)	
)	
Respondent.)	

JOINT STATUS REPORT

PURSUANT to the Court's order dated July 19, 2010, the following is a joint report of counsel for both parties on the status of this case.

1. This case was originally set for trial on the March 9, 2009 calendar in Washington, D.C.

2. This case was stayed pending the final disposition of a related matter before the U.S. District Court of the Virgin Island, docket number, CRIM NI. 2005-0015, in which petitioner is a defendant.

3. Petitioner and other defendants in the case have entered into a plea agreement with the United States in the criminal case, under which all charges against the petitioner and the other individual defendants were dismissed, and all but one of the charges against the corporate defendant was dismissed. The corporate defendant entered a plea of guilty as to the remaining count. As part of the plea agreement,

<p>Case Hamed et al., v. Yusuf, et al.</p> <p>Exhibit 1</p>

Docket No. 11455-08

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petitioner is required to prepare several income tax returns and submit them to the Internal Revenue Service. The returns were not filed during the pending litigation per the advice of counsel.

4. The first set of returns required by the plea agreement are for certain subchapter S corporations. These returns were submitted and are currently under review by the Virgin Island Bureau of Internal Revenue.

5. Once these returns are accepted, petitioner and other individuals will file personal income tax returns accounting for the flow-thru affect of the subchapter S returns. Once all returns are submitted, there will be a sentencing hearing in the criminal case regarding the corporation to which the charges were not dropped. The sentencing hearing is not yet set.

6. The parties anticipate that the submission and acceptance of the returns, pursuant to the plea agreement, will resolve the issues in the current Tax Court Case.

Jan. 17. 2012. 4:10PM Andreozzi

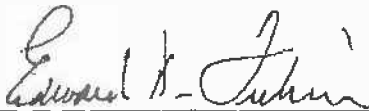
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Docket No. 11455-08

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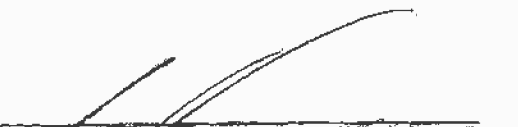
7. The parties request the stay remain in effect.

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Date: 1-17-2012

Date: 1/17/12

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UNITED STATES TAX COURT

FATHI YUSUF,)	
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Petitioner,)	
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v.)	Docket No. 11455-08
)	
COMMISSIONER OF INTERNAL REVENUE,)	
)	Filed Electronically
Respondent.)	

JOINT STATUS REPORT

PURSUANT to the Court's order dated January 23, 2012, the following is a joint report of counsel for both parties on the status of this case.

1. This case was originally set for trial on the March 9, 2009 calendar in Washington, D.C.

2. This case was stayed pending the final disposition of a related matter before the U.S. District Court of the Virgin Islands, docket number, CRIM NO. 2005-0015, in which the petitioner is a defendant.

3. Petitioner and other defendants in the case have entered into a plea agreement with the United States in the criminal case, under which all charges against the petitioner and the other individual defendants were dismissed, and all but one of the charges against the corporate defendant was dismissed. The corporate defendant

<p>Case Hamed, et al. v. Yusuf, et al.</p> <p>Exhibit 2</p>

Docket No. 11455-08

entered a plea of guilty as to the remaining count. As part of the plea agreement, petitioner is required to prepare several income tax returns and submit them to the Internal Revenue Service. The returns were not filed during the pending litigation on advice of counsel, but quarterly deposits were made on the estimated liabilities. Petitioner intends to submit the returns in the near future.

4. The first set of returns required by the plea agreement are for certain subchapter S corporations. These returns have been reviewed by the Virgin Islands Bureau of Internal Revenue.

5. Petitioner and other individuals are now in the process of preparing their personal income tax returns accounting for the flow-thru affect of the subchapter S returns. Once all of the returns are prepared and submitted, there will be a sentencing hearing in the criminal case regarding the corporation ont eh remaining count. The sentencing hearing is not yet set.

6. The parties anticipate that the submission and acceptance of the returns, and the referenced plea agreement, will resolve the issues in the current Tax Court case.

Docket No. 11455-08

7. The parties request the stay to remain in effect.

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Date: *July 19, 2012*

Date: *7/19/12*