

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,

SIXTEEN PLUS CORPORATION,
Plaintiff,

v.

MANAL MOHAMMAD YOUSEF,
Defendant.,

and

MANAL MOHAMMAD YOUSEF,
Counter-Plaintiff.,

v.

SIXTEEN PLUS CORPORATION,
Counter-Defendant.

CIVIL NO. SX-2017-CV- 00342

**ACTION FOR DEBT AND
FORECLOSURE**

**COUNTERCLAIM FOR
DAMAGES**

THIRD PARTY ACTION

JURY TRIAL DEMANDED

Consolidated With

CIVIL NO. SX-2016-CV-00065

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

COUNTERCLAIM

JURY TRIAL DEMANDED

ORDER

THIS MATTER having come before the Court on Sixteen Plus Corporation's motion to compel discovery responses from Third-Party Defendant Fathi Yusuf pursuant to Rules 26, 33 and 37, or to preclude testimony, and the Court being fully informed,

IT IS ORDERED that Fathi Yusuf, having asserted his Fifth Amendment right against self-incrimination, is not compelled to further answer the subject interrogatories. Yusuf has demonstrated the factual predicate pursuant to the standard for the inquiry which derives from *Hoffman v. United States*, 341 U.S. 479, 486 (1951). A witness is generally entitled to invoke the Fifth Amendment privilege against self-incrimination where there is (1) a *realistic possibility* that his answer to a question can be used in any way to convict him of a crime. It need not be probable that a criminal prosecution will be brought or that the witness's answer will be introduced in a later prosecution; the witness need only show a realistic possibility that his answer will be used against him. Moreover, (2) the Fifth Amendment forbids not only the compulsion of testimony that would itself be admissible in a criminal prosecution, but also the compulsion of testimony, whether or not itself admissible, that may aid in the development of other incriminating evidence that can be used at trial.

Yusuf has shown that testimony as to his acts from 1996 to the present meet these standards because the acts have not been fully immunized by a criminal Plea Agreement.

However, he is precluded from testimony as to the interrogatories and related facts

SO ORDERED.

Dated: _____, 2022

ATTEST: TAMARA CHARLES,
Clerk of the Court

By: Court Clerk Supervisor

Douglas A. Brady
Judge of the Superior Court