**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

**MOHAMMAD HAMED**, by his )

authorized agent WALEED HAMED, )

 )

 *Plaintiff/Counterclaim Defendant*, )

 )

 vs. ) **CIVIL NO. SX-12-CV-370**

 )

**FATHI YUSUF** and )

**UNITED CORPORATION**, ) ACTION FOR DAMAGES, ) INJUNCTIVE RELIEF AND

 ) DECLARATORY RELIEF

 *Defendants/Counterclaimants*, )

 )

 vs. ) JURY TRIAL DEMANDED

 )

**WALEED HAMED, WAHEED** )

**HAMED, MUFEED HAMED,** )

**HISHAM HAMED,** )

and **PLESSEN ENTERPRISES, INC.**, )

 )

 *Counterclaim Defendants*. )

 )

**COUNTERCLAIM DEFENDANT WAHEED HAMED'S**

**MOTION TO DISMISS**

 COMES NOW counterclaim defendant Waheed ("Willie") Hamed, and moves this Court to dismiss the First Amended Counterclaim, naming him as a counterclaim defendant for the two following reasons set forth in the accompanying memorandum:

 1. This action has already been brought and partially adjudicated in St. Thomas -- some claims have already been adjudicated and the balance of the claims are already *sub judice* in a summary judgment motion.

 2. Splitting of Causes of Action Prohibited: To the extent that there is any claim here that was not included in the St. Thomas Action, it should have been -- and failure to bring it there obviates taking a second bite of the apple here.

A Proposed Order is attached.

**RESPECTFULLY SUBMITTED,**

**Dated:** February 18, 2014

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  **Carl J. Hartmann III, Esq.** (Bar No. 48)

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**CERTIFICATE OF SERVICE**

 I hereby certify that on this 18th day of February, 2014, I served a copy of the foregoing Memorandum by email, as agreed by the parties, on:

**Joel H. Holt, Esq.**

*Counsel for Mohammad Hamed*

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