**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

**A**

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

*Counsel for Waheed Hamed*

5000 Estate Coakley Bay, L-6

Christiansted, VI 00820

Telephone: (340) 719-8941

Email: carl@carlhartmann.com

**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*

Law Offices of Joel H. Holt

2132 Company Street,

Christiansted, VI 00820

Email: holtvi@aol.com

**Nizar A. DeWood**

The DeWood Law Firm

2006 Eastern Suburb, Suite 101

Christiansted, VI 00820

Email: dewoodlaw@gmail.com)

**Gregory H. Hodges**

Law House, 10000 Frederiksberg Gade

P.O. Box 756

ST.Thomas,VI00802

Email: ghodges@dtflaw.com

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