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| **WALEED HAMED**,as the Executor of the Estate of MOHAMMAD HAMED, | **Case No.: SX-2012-CV-370** |
| *Plaintiff/Counterclaim Defendant*, |  |
|   vs.**FATHI YUSUF** and **UNITED CORPORATION** | **ACTION FOR DAMAGES, INJUNCTIVE RELIEF AND DECLARATORY RELIEF** |
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|  *Defendants and Counterclaimants*. vs. **WALEED HAMED, WAHEED** **HAMED, MUFEED HAMED, HISHAM HAMED,** **and PLESSEN ENTERPRISES, INC.**,  *Counterclaim Defendants*, | JURY TRIAL DEMANDED |
|  | Consolidated with |
| **WALEED HAMED**,as the Executor of the Estate of MOHAMMAD HAMED, *Plaintiff,* vs.  | **Case No.: SX-2014-CV-287** |
| **UNITED CORPORATION,** *Defendant.* |  |
| *­­­­­­*­­**WALEED HAMED**,as the Executor of the Estate of MOHAMMAD HAMED, *Plaintiff*  vs.  **FATHI YUSUF**, *Defendant.* | Consolidated with**Case No.: SX-2014-CV-278** |
| *­­­­­*­­**FATHI YUSUF**, *Plaintiff*, vs. **MOHAMMAD A. HAMED TRUST***, et al,* *Defendants.* | Consolidated with**Case No.: ST-17-CV-384** |
| *­­­­­*­­**KAC357 Inc.**, *Plaintiff*, vs. **HAMED/YUSUF PARTNERSHIP,** *Defendant.* | Consolidated with**Case No.: ST-18-CV-219** |
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**JOHN GAFFNEY ACCOUNTANT’S REPORT**

**DATED AUGUST 20, 2018**

**AS TO HAMED CLAIM H-41 IN THE AMOUNT OF $95,420.20**

**PAYMENTS TO CARIBBEAN REFRIGERATION & MECHANICAL LLC**

1. **Introduction**

This submission is made by the fiduciary partnership accountant pursuant to the applicable Orders of the Special Master: (1) Joint Discovery And Scheduling Plan, January 29, 2018; (32) Order re Joint Motion for 40 Days, August 6, 2018, and (3) Order re Motion to Strike Hamed Claim Nos. H-41 to H-141 and Additional “Maybe” Claims, August 12, 2018.

1. **Description of this Claim ‘As Made’**

On August 17, 2018, I received a document from Hamed’s counsel that listed the 101 Hamed Claims (H-41 to H-141) and attached the description given by Hamed to the Special Master, the prior description of each claim and the exhibits to Hamed’s CPA’s report relate to the claim (if any) – listing both the old and new claim numbers. That material related to this claim is attached as **Exhibit A** hereto. The description of the claim from those materials, and to which I am responding is as follows:

 **H-41: PAYMENTS TO CARIBBEAN REFRIGERATION**

**& MECHANICAL LLC ($95,420.20)**

ALL INFORMATION AND RELATED DOCUMENTS KNOWN TO HAMED:

Hamed's CPA interviewed the Hameds regarding payments made to Caribbean Refrigeration & Mechanical LLC. Hamed's CPA were advised that Caribbean Refrigeration & Mechanical LLC were used for small repairs to refrigeration equipment which usually cost under $1,000. Hamed's CPA also provided John Gaffney a query dated February 15, 2016 (see Attachment VII) requesting all documentation including canceled checks, invoices and any other back up documentation. In addition, Hamed's CPA reviewed the general ledgers from 2012 to present and the monthly Banco Popular operating bank account statements for Plaza Extra West provided by John Gaffney. Hamed's CPA reviewed three checks (checks #5742, #6512 and #7177) written on Plaza Extra West operating bank account for payment to Caribbean Refrigeration & Mechanical LLC. Hamed's CPA traced these 3 checks to the Partnership’s bank statements to ensure checks cleared the bank account. Hamed's CPA were advised by John Gaffney that he either does not have time or is unable to locate the Caribbean Refrigeration & Mechanical LLC invoices.

INFORMATION RECEIVED BY HAMED FROM YUSUF/GAFFNEY:

John Gaffney did not respond to our request.

HAMED'S CPA'S EXPERT ANALYSIS OF WHY THE CLAIM IS VALID:

Hamed's CPA did not find any sufficient reliable audit evidence, nor were Hamed's CPA provided any audit evidence from John Gaffney that these payments to Caribbean Refrigeration & Mechanical LLC were for a valid business expense or served a business purpose. As such, Hamed's CPA are not able to satisfy ourselves of the following management assertions: 1. Occurrence 2. Accuracy or 3. Classification, as described in AU-C 315.A128. Hamed's CPA concluded these amounts should be returned to the Partnership to conform to the management’s assertions.

1. **The Work I was Ordered to Do by the Special Master**

1. . . .Mr. Gaffney will subrnit daily emails to counsel for Hamed [with copy to counsel for Yusuf] informing them of the hours worked and what was done. . . .

2. For each of the Hamed Claims numbered H-41 through H-141. . .John Gaffney will provide a written response, in hls fiduciary capacity as the

Partnership Accountant, to the following two items:

1. **lnterrogatory**: Provide a written statement describing the transaction, with reference to when the actual activíty or delivery occurred, who the persons/entities are, what amounts were involved, and whet it was for (with reference to why the funds are allegedly properly charged to the Partnership) and making reference to any checks, invoices or other relevant documents.
2. **Production of Documents**: Attach to the above lnterrogatory response, the documents referenced in your response.

3. Mr. Gaffney's responses to interrogatories and document requests will be

provided in the bi-weekly period in which they are completed and not in groups or all at once. . . .

1. **Accountant’s Response to Interrogatory as to Hamed Claim H-41**
2. [Date(s)] when the actual activity or delivery occurred:
3. Who the persons/entities are:
4. What amounts were involved,
5. What it was for (with reference to why the funds are allegedly properly charged to the Partnership)
6. **Accountant’s Production of Documents**

**The documents I have used and am therefore providing are as follows:**

 **Exhibit B-1:**

 **Exhibit B-2:**

 **Exhibit B-3:**

1. **Reservations and Limitations**
2. **Information**

**\_\_\_\_ I was able to obtain any information I requested in writing from the parties.**

**\_\_\_\_ I requested the following information from a party or parties and was not able to obtain it for the following reason(s) – the written request(s) are attached as Exhibit C. The reasons(s) or explanation I was given in writing is attached as Exhibit D. My concern, reservation or limitation on my responses above is/are as follow:**

1. **Documents**

**\_\_\_\_ I was able to obtain any documents I looked for.**

**\_\_\_\_ I looked for the following documents and was not able to obtain them for the following reason(s) – the written statement as to the efforts I undertook are Exhibit E. The reasons(s) or for my concern, reservation or limitation on my responses above is/are as follow:**

**CERTIFICATION**

**The above is true and accurate to the best of my knowledge. I have had no *ex parte* communications with any person, entity, party or counsel in preparing this response. I have provided this to counsel upon my completion of the work.**

**Dated:** August \_\_\_\_, 2018  **\_\_\_\_\_\_\_**

 **John Gaffney**

**CERTIFICATE OF SERVICE**

 I hereby certify that on the date stated above, I served a copy of the foregoing by email, as agreed by the parties, on:

**Gregory H. Hodges**

**Stefan Herpel**

**Charlotte Perrell**

ghodges@dtflaw.com

**Carl J. Hartmann**

**Joel H. Holt**

carl@hartmann.attorney

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 **John Gaffney**