

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS/ST. JOHN**

UNITED CORPORATION,

Plaintiff,

v.

WAHEED HAMED,
(a/k/a Willy or Willie Hamed),

Defendant.

Case No.: 2013-CV-101

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

**DEFENDANT WAHEED HAMED'S
[CORRECTED] FIRST INTERROGATORIES TO PLAINTIFF UNITED**

Defendant Hamed, by undersigned counsel, propounds the following interrogatories pursuant to Rule 33 of the Federal Rules of Civil Procedure as well as Local Rule 22, as they have been made applicable to this Court, on the Plaintiff United.

If any of the following Interrogatories cannot be answered in full, please answer to the extent possible, specify the reason for your inability to answer the remainder and state whatever information or knowledge you have concerning the unanswered portion. Where your investigation is incomplete, give all information known as of the date of signing your answer. Where exact data is unavailable, supply estimated data, indicate that you have done so, and explain the basis on which the estimate was made.

If you decline to answer any interrogatory, or portion of any interrogatory, on a claim of privilege or other basis for withholding an answer, such as the work product doctrine, state each privilege or other basis for withholding claimed and describe in detail all foundational facts upon which you base such claim of privilege or basis for withholding.

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It is requested that all copies of all documents identified in response be attached to the answers to the responses to these Interrogatories as an exhibit.

Please take notice that these Interrogatories are deemed to be continuing up to and including the first day of trial of this action. If at any time you or any person acting on your behalf obtains additional information called for by these Interrogatories between the time of your response and the time set for trial, please serve supplemental sworn answers setting forth such information.

The words "**and**," as well as "**or**," shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the specifications all responses which might otherwise be construed to be outside its scope.

Terms in the plural include the singular and terms in the singular include the plural; the use of one gender shall include all others as appropriate in the context. These interrogatories are continuing in nature so as to require **you, the Plaintiff** to file supplemental answers if any additional or different information responsive to these interrogatories is discovered or obtained subsequent to the filing of answers to these interrogatories.

TERMS AND MEANINGS

The terms used in this Discovery have the following meaning:

As used herein, the term "**document(s)**" is used in its broadest sense to include, by way of illustration only and not by way of limitation, all originals and non-identical copies of any writing or any other tangible thing or data compilation in the custody, possession or control of the Defendant - whether printed, typed, reproduced by any process, written or produced by hand, including any graphic matter however produced or reproduced, or produced by any other

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mechanical means and all data, either electronic, magnetic, chemical, mechanical, or other form of data storage capable of being transformed into written or oral matter, including, but not limited to, CD-ROMs, DVDs, computer disks, Hard-drive computer storage mediums — including e-mails, letters, affidavits, filings, engineering studies and/or tests, reports, agreements, communications, correspondence, permits, accounting records, business records, contracts, letters of agreements, telegrams, mailgrams, memoranda, summaries and/or records of personnel or telephone conversations, diaries, calendars, forecasts, photographs, tape recordings, facsimiles, models, statistical statements, graphs, charts, plans, drawings, service and/or pump data, logs, minutes or records of meetings, minutes or records of conferences, reports and/or summaries of interviews, reports, conversations, summaries of investigations, opinions or reports of consultants, topographical or geological maps or surveys, appraisals, records, reports or summaries of negotiations, drafts of any document, revisions of drafts of any document, purchase orders, invoices, receipts, original or preliminary notes, financial statements, accounting work papers, promissory notes, film, microfilm, microfiche, punch cards, slides, pictures, videotapes, moving pictures, computer programs, laboratory results, magnetic tapes or any other matter which is capable of being read, heard or seen with or without mechanical or electronic assistance.

"Communication" means any correspondence, contact, discussion, exchange, contract, or agreement between any two or more persons. Without limiting the foregoing, "communication" includes all documents, as defined above, telephone conversations, internet communications, e-mail, facsimile transmissions, voice mail, face-to-face conversations, meetings, and conferences.

"Relevant time period" means 1991 to and including all of 1993. (As Plaintiff's complaint fails, at paragraph 12¹ to specify what years are involved, this period should be expanded by Plaintiff to include other years included in this sentence.)

"United" or "United Corp" shall mean the defendant United Corporation.

"Yusuf" shall mean defendant Fathi Yusuf.

"Hamed" shall mean the plaintiff herein Mohammad Hamed.

¹ 30. Note "the years" are not stated in paragraph 12.

12. During a review and inventory of the documents and files delivered and returned by the U.S. Government to Plaintiff United, Plaintiff United reviewed documents comprising tax returns for Waheed Hamed, **including but not limited to Defendant's tax returns for the years**

INTERROGATORIES

1. Describe all agreements, written or oral, regarding non-competition or mandatory disclosure of business or financial interests in connection to Hamed's relationship to Fathi Yusuf, Plaza Extra Supermarkets or United.

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2. Describe all agreements created by operation of law regarding non-competition or mandatory disclosure of business or financial interests in connection to Hamed's relationship to Fathi Yusuf, Plaza Extra Supermarkets or United.

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3. Describe all facts presently **known** (not deduced by implication or assumption) to United regarding any business being run by Hamed during the Relevant Time Period. (This shall not include United or Plaza Extra Supermarkets.)

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4. Describe all facts presently known (not deduced by implication or assumption) to United regarding any business in which Hamed participated in any manner during the Relevant Time Period. (This shall not include United or Plaza Extra Supermarkets.)

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5. State all facts presently **known** to United regarding other sources of funding Hamed may have had in 1991-1993, including but not limited to savings, gifts, investments from others.

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6. Describe in detail how *profits* from the Plaza Extra Supermarket were *distributed* from 1986 to 1999 to members of the Yusuf family. This shall include detail of funds used to purchase joint real estate, joint corporations formed or any other movement of funds from United or Plaza Extra to any Hamed or Yusuf other than by payroll.

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7. Describe the percentile ownership of United's stock from inception to date, including the date of any transfers of such stock.

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8.. Describe all facts supporting United's averment in the Amended Complaint, within paragraph 1, that:

John Doe 1-10 [are] persons who have worked knowingly, and jointly with Waheed Hamed in the commission of each of the causes of action alleged herein.

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9. Describe in detail the transaction that led to United being a party to a joint venture with Mohammad Hamed as set forth in United's averment in the January 8, 2013, United Corporation complaint in the V.I. Superior Court, St. Croix Division, against Waleed Hamed and John Does 1-10, *United Corporation v Waleed Hamed, et. al.*, Civil No. SX-13-CV-3 that:

11. Sometime in 1986, Plaintiff United, through its shareholder and then President, Fathi Yusuf, entered into an oral agreement, whereby Plaintiff United and Defendant Hamed's father, Mohammed Hamed, agreed to operate a grocery store business.

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10. Describe all facts presently **known** to United regarding the existence or operation of a wholesale grocery business called "5 Corner's Mini Mart" as the same is described in paragraph 16 of the Amended Complaint as well as any involvement of Hamed with it.

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11. With regard to the averments of the Amended Complaint including those in paragraph 28:

28. Defendant Waheed Hamed has knowingly converted substantial funds and assets belonging to Plaintiff United. Plaintiff never consented or agreed to Defendant Hamed's unauthorized use of its funds and assets. As such, Defendant Hamed is liable for conversion.

describe all facts presently known to United about any actual business opportunities Hamed usurped/took, inventory or other assets he converted/took or cash he converted/took. For each, describe the date or approximate date, a description, the specific amount or value, the proof that Hamed was the person involved and the ultimate recipient.

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12. Describe the facts presently known to United as to the effect of the January 1992 fire on Plaza Extra's operations, and how and when Hamed took assets from the Plaza Extra Store or took opportunities for the period from January 4, 1992 to April 31, 1993.

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13. Describe in detail all inspections, review or visits by United or defendants' counsel to the documents held by the federal government as alleged in the Amended Complaint, including, but not limited to: the dates, times, what was present, lists of documents examined (copied or scanned) and the persons present and number of persons present.

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14. Describe in detail how and when United or defendants' counsel obtained the right to access the documents described in 13, both prior to 2010 and when access was restored following the plea agreement. Include but do not limit this to the period when United "received" Hamed's tax returns as set forth in the Amended Complaint.

Dated: August 26, 2013

Carl J. Hartmann III, Esq.
(V.I. Bar No. 48)
Counsel for Defendant Hamed
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Christiansted, VI 00820
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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2013, a true and accurate copy of the foregoing was served by email and U.S. Mail on:

Nizar A. DeWood, Esq.
The Dewood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820

and by email as a courtesy on:

Joseph A. DiRuzzo, III, Esq.
Christopher David, Esq.
Fuerst Ittleman David & Joseph, PL
1001 Brickell Bay Drive, 32nd. Fl.
Miami, FL 33131

Carl J. Hartmann III, Esq.
Counsel for Defendant