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

**DIVISION OF ST. CROIX**

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| **MOHAMMAD HAMED,**  **Plaintiff,**  **v.**  **FATHI YUSUF,**  **Defendant.** | **Case No.:2014-SX-CV- \_\_\_**  **ACTION FOR DEBT AND**  **CONVERSION**  **JURY TRIAL DEMANDED** |
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**COMPLAINT**

Comes now Plaintiff, Mohammad Hamed, who files this Complaint against Fathi Yusuf alleging as follows:

1. This Court has jurisdiction over this matter pursuant to Title 4 V.I.C. §76(a).
2. Plaintiff, Mohammad Hamed (“Hamed”) is a resident of St. Croix, United States Virgin Islands.
3. Defendant Fathi Yusuf ("Yusuf") is a resident of the St. Croix, United States Virgin Islands.
4. All acts and events described herein occurred within the Territory of the U.S. Virgin Islands.
5. Mohammad Hamed and Fathi Yusuf have been partners in Plaza Extra Supermarkets from 1986 to the present.
6. As part of that partnership the partners removed funds from the partnership and used them to invest in certain property on St. Thomas, in Estate Dorothea, using Y&S Corporation, Inc. as the vehicle for their investment.
7. Yusuf and Hamed agreed to liquidate the Estate Dorothea property.
8. After Hamed provided the necessary Y&S corporation document to allow the sale, Yusuf informed Hamed that the sale had occurred and handwrote a document showing that the Dorothea property was liquidated for $1,500,0000, noting further that Hamed was owed $802,955 as a result of this transaction and related offsets. **Exhibit 1**.
9. Fathi Yusuf received the funds and owes the funds to Hamed -- which Yusuf has admitted under oath. **Exhibit 2** (Deposition Testimony of Fathi Yusuf, April 2, 2014 at 99-105.)
10. Hamed is owed the $802,955 and despite demands and Yusuf's agreement that it is owed to Hamed -- Hamed has not received the funds.

**COUNT ONE: DEBT**

1. Plaintiffs hereby incorporate the averments in the preceding paragraphs herein.
2. Defendant owes a debt to Plaintiff as a result of this transaction totaling $802,955 plus prejudgment interest from the date the funds were made available to Yusuf.
3. Despite repeated demands, the funds have not been paid for the debt owing, so that Yusuf is liable to Hamed for this debt.
4. Plaintiff is injured in the deprivation of the funds and interest thereon.

**COUNT II CONVERSION**

1. Plaintiff hereby incorporates the averments in the preceding paragraphs herein.
2. Yusuf has converted the funds belonging to Hamed, treating them as his own.
3. As such, Yusuf is liable to Hamed for the conversion of the $802,955.
4. Such willful misconduct constitutes conversion of these funds for which Yusuf is liable to Hamed.
5. Such willful and wanton conduct, amounting to theft of these funds, warrants an award of punitive damages as well.

**WHEREFORE**, Plaintiff seeks the following relief from this Court as follows:

1. An award of compensatory damages against the Defendant in the amount of $802,955;
2. An award of prejudgment interest at the statutory rate of 9%;
3. An award of punitive damages against Defendant as determined by the trier of fact;
4. An award of attorney’s fees and costs against Defendant; and
5. Any other relief the Court deems appropriate as warranted by the facts and the applicable law.

**A TRIAL BY JURY IS DEMANDED AS TO ALL ISSUES TRIABLE BY A JURY**

Dated: July 7, 2014 *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

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