

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

**MOHAMMAD HAMED**, by his  
authorized agent **WALEED HAMED**,

Plaintiff/Counterclaim Defendant,

vs.

**FATHI YUSUF and UNITED CORPORATION**,

Defendants/Counterclaimants,

vs.

**WALEED HAMED, WAHEED HAMED,  
MUFEED HAMED, HISHAM HAMED, and  
PLESSEN ENTERPRISES**,

Additional Counterclaim Defendants.

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

**JURY TRIAL DEMANDED**

**MEMORANDUM IN SUPPORT OF MOTION TO COMPEL RESPONSES TO  
DISCOVERY REQUESTS AND FOR SANCTIONS AS TO  
MOHAMMAD HAMED AND WALEED HAMED**

Defendant Fathi Yusuf (“Yusuf”), through his undersigned attorneys, respectfully submits this Memorandum in support of his Motion To Compel Responses to Discovery Requests And For Sanctions as to Mohammad Hamed (“Hamed”) and Waleed Hamed (“Waleed”).

**I. FACTUAL BACKGROUND**

1. On August 27, 2014, Yusuf served upon Hamed and Waleed the following discovery:

a. Additional 8/27/14 Requests for Production of Documents (“Requests for

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Production”);

- b. Additional 8/27/14 Requests for Admissions (“Requests for Admissions”);
- and,
- c. Additional 8/27/14 Interrogatories (“Interrogatories”).

See, collective **Exhibit A** – Requests for Production, Requests to Admit and Interrogatories.

Yusuf filed a Notice of Service of the Requests for Production with the Court that same day.

d. Hamed and Waleed served their responses to each (the “Responses”) on September 26. See, collective **Exhibit B** - Responses.

e. As to the Requests for Production, Hamed and Waleed refer to earlier productions which are the subject of pending Motions to Compel. Therefore, the Responses remain unanswered. As to the Responses to the Requests to Admit, objections were raised to statements that were taken directly from Hamed’s First Amended Complaint. As to the Interrogatories, Waleed attempts to incorporate the alleged responses from “Willie Hamed” as his response. However, Willie Hamed was not served with Interrogatories and, therefore, he has no responses to incorporate.

f. At least as to this last round of discovery, Counsel Carl Hartmann has functioned with the authority of Plaintiff and all the Counterclaim Defendants regarding all discovery matters. Giving the timing of the late receipt of the discovery responses, counsel agreed that despite their conversations in an effort to resolve their discovery disputes that each party felt secure in their respective positions and thus, entered into a Stipulation which reflected that the parties could not resolve their dispute. Counsel Hartmann confirmed he was able to make that representation on behalf of all counsel involved for Plaintiff and the Counterclaim Defendants.

Counsel further confirmed that they would each seek to compel complete responses by October 6, 2014, if supplementation not provided. See Exhibit C - Stipulation per LRCi 37.2(a).

## II. ARGUMENT

### A. General Deficiencies In All Responses

Hamed and Waleed objected to virtually all of the Requests for Production on various grounds and have failed to produce a single responsive document and then referred to other productions which were likewise lacking or already subject to a Motion to Compel. The objections were obstructionist and calculated to thwart the free flow of information in the discovery process. The objections are conclusory and unsupported. Thus, the objections are insufficient. See, e.g., Pulsecard, Inc. v. Discover Card Servs., 1995 U.S. Dist. LEXIS 13111 at \*21-22 (D. Kan. 1995)(“The party opposing discovery cannot simply make conclusory allegations that the request is irrelevant, but must specifically show how each discovery request is irrelevant”). This is because “[o]bjections should be plain and specific enough so that the court can understand in what way the [discovery is] alleged to be objectionable.” Coregis Ins. Co. v. Baratta & Fenerty, Ltd., 187 F.R.D. 528, 530 (E.D. Pa. 1999); see also McLeod, Alexander, Powel & Apffel, P.C. v. Quarles, 894 F.2d 1482, 1485 (5th Cir. 1990) (objections that requests were overly broad, burdensome, oppressive, and irrelevant were insufficient to meet party's burden to explain why discovery requests were objectionable).

Boilerplate objections in response to a Rule 34 request for production of documents are widely rejected. McLeod, Alexander, Powel & Apffel, P.C. v. Quarles, 894 F.2d 1482, 1485 (5th Cir. 1990) (finding insufficient, objections to document requests on the grounds that they were overly broad, burdensome and oppressive); Sabol v. Brooks, 469 F. Supp. 2d 324, 328-29

(D.Md. 2006) (court found that an out-of-state nonparty ordered to appear for an examination in aid of judgment had violated Rule 34 when it objected to discovery on the grounds that it was overly broad, vague and sought information not reasonably calculated to lead to the discovery of admissible evidence because it failed “to make particularized objections to document requests,” which constituted waiver of those objections); St. Paul Reins. Co., Ltd. v. Commercial Fin. Corp., 198 F.R.D. 508, 512 (N.D. Iowa 2000) (Boilerplate objections, including that a particular document request was oppressive, burdensome and harassing, were “[i]n every respect . . . textbook examples of what federal courts have routinely deemed to be improper objections.”); Momah v. Albert Einstein Med. Ctr., 164 F.R.D. 412, 417 (E.D. Pa.1996) (“Mere recitation of the familiar litany that an interrogatory or a document production request is ‘overly broad, burdensome, oppressive and irrelevant will not suffice.”). Id. at 528-29. Thus, because Hamed and Waleed merely recite a familiar litany of objections as to the discovery requests, the Court should order them to respond to each of Yusuf’s request for production fully, completely, and in conformance with Fed. R. Civ. P. 34(b)(2).

Further, to the extent that Hamed or Waleed do not have any documents that are responsive to a particular request, they must provide Yusuf with a statement **under oath** that no responsive documents exist. See, e.g., 7 MOORE'S FEDERAL PRACTICE - Civil § 34.13 (“[W]hen a response to a production of documents is not a production or an objection, but an answer, the party must answer under oath. For example, when a party claims that all the requested documents have already been produced, it must state that fact under oath in response to the request”); Jensen v. Boston Ins. Co., 20 F.R.D. 619, 621 (D. Cal. 1957) (“If the documents sought are not in existence, it is incumbent upon the objecting party or parties to so state under

oath and not by way of a general unverified allegation”); B & K Mech., Inc. v. Wiese, 2005 U.S. Dist. LEXIS 21005 at \*14 (D. Kan. Sept. 21, 2005) (“when the records at issue are, by their nature, of a type that would normally be kept in the business of the producing party, and within that party's control, then the court can presume that the records exist and are within the control of the party unless the party denies their existence under oath”); Vazquez-Fernandez v. Cambridge College, Inc., 269 F.R.D. 150, 154 (D.P.R. 2010) (same). This has not been done.

**B. Specific Deficiencies**

As virtually all of the Discovery Requests were objected to upon multiple grounds, the specific discovery requests at issue are categorized by type of objection or deficiency as follows:

- Objections that Requests were Overly Broad and Unduly Burdensome
- Objections as to Relevancy
- Objections that Requests were Overbroad as to Time Prior to 2006
- Objections as to Untimely Service of Requests for Production
- Objections as to Attorney-Client and Work Product Objections Without a Privilege Log
- Lack of Diligent Search and Oath
- No Stipulation Exists Excusing Production.

As evidenced by his initial failure to produce any documents and reliance on general objections, Hamed and Waleed’s Responses to the Requests for Production can hardly be considered responsive at all. Mostly, Hamed or Waleed simply stated that they are not in possession of the responsive documents or that they were part of the records seized by the FBI. Further, rather than producing any new financial information responsive to the Requests for

Production, Hamed and Waleed simply refer to documents previously produced. See Responses to RTP 6,7,8,9, 10, 12. In response to other Requests for Documents, no documents are referenced at all as responsive. See Responses RTP 32,33 and 34.

Even if Hamed or Waheed no longer have possession of additional documents and have stored the documents or otherwise transferred them to third parties, they must still produce those responsive documents. Indeed, “[i]t is well established that ‘control’ under Fed. R. Civ. P. 34 is to be broadly construed so that a party may be obligated to produce documents requested even though it may not actually possess the documents. Thus, as long as the party has the legal right or ability to obtain the documents from another source on demand, that party is deemed to have ‘control.’” Poole v. Textron, Inc., 192 F.R.D. 494, 501 (D. Md. 2000); *see also*, Camden Iron & Metal, Inc. v. Marubeni America Corp., 138 F.R.D. 438, 441 (D.N.J. 1991); Alexander v. FBI, 194 F.R.D. 299, 301 (D.D.C. 2000). If Hamed or Waheed claim that no responsive documents exist, they he must submit a sworn statement to that effect.

As to the Requests to Admit: RTA # 4 – seeks an admission that Hamed did not report all income he received from the Plaza Extra Stores for the tax years 1986 through 1996. In response, Hamed states he cannot admit or deny. This response is inadequate, as Hamed knows that he received monies from the Plaza Extra Stores which were not part of his W-2 income and that he did not report same as income on his tax returns during this period. To deny or argue that he is unsure and therefore cannot admit or deny is evasive and designed to thwart the discovery process. Similarly, Hamed’s responses to RTA #5 and 6 have the same evasive answer as to the tax reporting of Hamed during the 1983 through 1996 period and accurate responses should be compelled.

As to RTA #13 – this request seeks information as to access to the financial records of the Plaza Extra Stores. Hamed and Waleed both attempt to indicate that Yusuf was in charge of all the financial records but does not admit or deny whether they had access. As Waleed served as the general manager for the Plaza Extra East store, he clearly had access to the financial records at Plaza Extra East. Indeed, in his role as alleged authorized agent for Hamed, he would have access to the financial records for the Plaza Extra Stores. Further, as Waleed had check signing authority at least as to the Plaza Extra East location, he had access to the financial records of Plaza Extra East. Further, Waleed had access to the safe at Plaza Extra East containing financial records and information. Therefore, to deny or contend that Hamed and Waleed did not have access to financial records for the store which Waleed Hamed acted as general manager and alleged authorized agent for Hamed is disingenuous and complete responses should be compelled.

As to RTA #21 – seeks to admit or deny that the Hameds have withdrawn more monies than the Yusuf. The Hameds deny this request. However, the Hamed previously stated in response to RTA #15 that they could not admit or deny the total amount that Hamed or his sons have withdrawn from the Plaza Extra Stores. Therefore, if Hamed and Waleed do not know how much they have withdrawn, they cannot possibly contend that it is less than what the Yusuf's have withdrawn. Their response to RTA #21 must be revised to be consistent, either they do not know or they know and they must provide information as to what the Hamed's contend they have withdrawn as compared to the what they contend the Yusuf's have withdrawn.

As to the Interrogatories: Interrogatories were served upon Waleed. As to Interrogatory #3 – seek information regarding Waleed's letter of August 15, 2012. Waleed explains that the

attached supporting information was not available. However, the supporting information has been produced in this case and therefore, the interrogatory seeks a response as to the supporting document and position regarding the withdrawal of the monies by the Yusufs. Waleed should be compelled to provide a complete response as he has the information available to do so.

As to Interrogatories #9 and 11 – Waleed fails to provide any response as to the flow of monies he was responsible for transferring for the partnership contending it was a donation. However, if Waleed failed to transfer the partnership property as required, he may be responsible for misappropriating those funds and if acting on behalf of Hamed, responsible as Hamed's agent.

As to Interrogatory #14 – seeks information relating to alleged trading losses. Waleed fails to provide information responsive to this interrogatory contending he made deposits as directed but without full explanation as he was allegedly acting in the role of authorized agent for Hamed and why such actions would not constitute a waiver or any alleged request for the trading to cease.

As to Interrogatory #15,16,17 – seeks information relating to the source of funds available to Waleed to fund the preliminary injunction bond, invest in Five-H Holdings, Inc. and disposition of the \$460,000.00 taken from Plessen Enterprises, Inc. Waleed has objected on the grounds that same is not likely to lead to the discovery of admissible evidence. However, such information is directly relevant as the income of the Hameds has been derived almost exclusively from the Plaza Extra Stores and therefore, to the extent the Waleed has funds in the amount to support these endeavors, the source of these funds it is directly relevant. As to the \$460,000.00 it was clearly an unauthorized withdrawal and how the improperly removed funds were used so



that they may be traced is directly relevant and therefore, should be produced.

**C. This Court should find that Hamed and Waleed's unjust refusal to provide responses requires the imposition of sanctions.**

Pursuant to Fed. R. Civ. P. 37(a)(5)(A), "[i]f the motion [to compel] is granted — or if the disclosure or requested discovery is provided after the motion was filed — the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees." See also Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863, 869 (3d Cir.1984) (stating that "the district court is specifically authorized to impose on an attorney those expenses, including attorneys' fees, caused by unjustified failure to comply with discovery orders or pretrial orders"); GMAC Bank v. HTFC Corp., 2008 U.S. Dist. LEXIS 15878 at \*32 (E.D. Pa. 2008) ("Sanctions under Rule 37(a)(5)(A) have a compensatory purpose"). There is no question that Hamed and Waheed have not complied with Yusuf's Discovery Requests because their Responses are incomplete, non-responsive, and, in many instances, grounded on baseless objections. See, e.g., Richir v. Vill. of Fredonia, 2008 U.S. Dist. LEXIS 28028 at \*12-13 (W.D.N.Y. Apr. 4, 2008) (awarding sanctions against Defendant because Plaintiff was required to file a motion to compel due to Defendant's incomplete responses). Thus, for these reasons, this Court should order Hamed and Waheed to pay Yusuf's attorneys' fees and costs for making this motion.

**CONCLUSION**

For all of the foregoing reasons, Yusuf respectfully requests that this Court enter an Order: (1) compelling Hamed and Waleed to provide complete, non-evasive discovery responses in compliance with Fed. R. Civ. P. 34, within ten (10) days of such Order; (2)

awarding Yusuf his costs and attorneys' fees incurred in connection with his Motion, and; (3)  
granting such further relief as is just and proper.

Respectfully submitted,

**DUDLEY, TOPPER and FEUERZEIG, LLP**

Dated: October 6th, 2014

By:



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of August, 2014, I caused the foregoing **MEMORANDUM IN SUPPORT OF MOTION TO COMPEL RESPONSES TO DISCOVERY REQUESTS AND FOR SANCTIONS AS TO MOHAMMAD HAMED AND WALEED HAMED** to be served upon the following via e-mail:

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**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

**MOHAMMAD HAMED**, by his )  
authorized agent **WALEED HAMED**, )  
 )  
Plaintiff/Counterclaim Defendant, )  
 )  
vs. )  
 )  
**FATHI YUSUF and UNITED CORPORATION**, )  
 )  
Defendants/Counterclaimants, )  
 )  
vs. )  
 )  
**WALEED HAMED, WAHEED HAMED,** )  
**MUFEED HAMED, HISHAM HAMED, and** )  
**PLESSEN ENTERPRISES,** )  
 )  
Additional Counterclaim Defendants. )  
 )  
 )

CIVIL NO. SX-12-CV-370  
  
ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

JURY TRIAL DEMANDED

**NOTICE OF SERVICE**

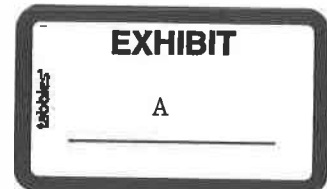
Defendant/counterclaimant Fathi Yusuf, through his attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provides notice that on the 27<sup>th</sup> day of August, 2014, pursuant to Super. Ct. R. 39(a) and Fed. R. Civ. P. 33, 34 and 36, he served each of the parties with his:

1. Fathi Yusuf's Second Requests for Production of Documents to Waleed Hamed;
2. Fathi Yusuf's Interrogatories to Waleed Hamed;
3. Fathi Yusuf's Requests for Admission to Waleed Hamed;
4. Fathi Yusuf's Additional Requests for Production of Documents to Mohammed Hamed;
5. Fathi Yusuf's Requests for Admissions to Mohammed Hamed.

by delivering same to counsel of record for Mohammed Hamed and Waleed Hamed:

Joel H. Holt, Esq.  
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Hamed v. Yusuf, et al.  
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by hand delivery. Service of the above was made upon counsel of record for the remaining parties via e-mail:

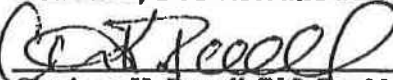
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Dated: August 27, 2014

By:

**DUDLEY, TOPPER and FEUERZEIG, LLP**



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Attorneys for Fathi Yusuf and United Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of August, 2014, I caused the foregoing Notice Of Service to be served upon the following in the manner as indicated for each:

Joel H. Holt, Esq. (via Hand Delivery)  
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**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

**MOHAMMAD HAMED**, by his )  
authorized agent **WALEED HAMED**, )

Plaintiff/Counterclaim Defendant, )

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**FATHI YUSUF and UNITED CORPORATION**, )

Defendants/Counterclaimants, )

vs. )

**WALEED HAMED, WAHEED HAMED,  
MUFEED HAMED, HISHAM HAMED, and  
PLESSEN ENTERPRISES**, )

Additional Counterclaim Defendants. )

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

**JURY TRIAL DEMANDED**

**FATHI YUSUF'S REQUESTS FOR ADMISSION TO  
MOHAMMED HAMED**

**TO:** Joel H. Holt, Esq.  
**LAW OFFICES OF JOEL H. HOLT**  
2132 Company Street  
Christiansted, V.I. 00820  
Email: holtvi@aol.com

Defendant/counterclaimant Fathi Yusuf, through his undersigned counsel, pursuant to Super. Ct. R. 39(a) and Fed. R. Civ. P. 36, hereby propounds and serves the following Requests for Admission to Mohammed Hamed, to be answered separately and fully in writing within thirty (30) days from the date hereof.

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP.**  
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DEFINITIONS

For the purpose of these Requests for Admissions, the following words shall have the meaning indicated below:

- A. The term "You" or "Your" shall mean Mohammed Hamed, Plaintiff in this case.
- B. "Waleed" shall refer to your son, Waleed Hamed, individually and in his role or acting in his capacity as agent for or with power of attorney for you.
- C. The term "Yusuf" shall mean Fathi Yusuf, a Defendant in this case.
- D. The term "United" shall refer to United Corporation, a Defendant in this case.
- E. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Requests for Admissions any information which might otherwise be construed to be outside their scope.
- F. "Any/All" shall both mean any and all as appropriate in order to bring within the scope of these Requests for Admissions information and documents which might otherwise be considered to be beyond their scope.
- G. "Document" as used herein shall mean any handwritten, typewritten, printed, transcribed, impressed, recorded or other physical or tangible embodiment of a communication within the scope of Fed. R. Civ. P. 34(a)(1), however produced or reproduced, now or at any time in your possession, custody or control, including but not limited to: letters, notes, preliminary drafts (including metadata), reports, spreadsheets, emails, electronic messages and/or online chats (i.e. twitter, facebook, blog, message), text messages, memoranda, interoffice communications, analyses, minutes, contracts, agreements, cables, telegrams, statements, entries, affidavits, briefs, pleadings, decrees, transcriptions, recordings, diagrams, charts, photographs, and articles, and any copies, facsimiles or reproductions of the foregoing, no matter how or by whom prepared, and all drafts prepared in connection with the foregoing. Without limitation of the term "control" as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual physical possession thereof. If any document referenced in these Requests for Admission was in your possession or subject to your control, but is no longer, state what disposition was made of it, and the date or dates on which such disposition was made.



- H. The term "communication" or "communications" means the written or oral transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- I. "Relating to" or "related to" means consisting of, referring to, describing, discussing, constituting, evidencing, containing, reflecting, mentioning, concerning, pertaining to, citing, summarizing, analyzing or bearing any logical or factual connection with the matter discussed.
- J. The words "pertain to" or "pertaining to" shall mean relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- K. "Company" or "entity" means any form of business whatever organized, including, without limitation, any corporation, sole proprietorship, partnership (general or limited), joint venture, association, group, government agency, firm or other business enterprise or legal entity which is not a natural person, and means both the singular and plural.
- L. "Parties" as used herein shall be interpreted to refer to all parties to this litigation.
- M. "Person" includes a corporation, partnership or other business associate or entity, natural person and any government or governmental body, commission, board or agency.
- N. "Plaza Extra-East" refers to the Plaza Extra Store located at Sion Farm in St. Croix.
- O. "Plaza Extra-West" refers to the Plaza Extra Store located at Estate Plessen in St. Croix.
- P. "Plaza Extra-Tutu Park" refers to the Plaza Extra Store located in Tutu Park Mall, St. Thomas.
- Q. "Plaza Extra Stores" refers to the three stores, Plaza Extra-East, Plaza Extra-West and Plaza Extra-Tutu Park.
- R. "Batch Plant" refers to a concrete plant that Yusuf and Hamed agreed to contribute \$1 million dollars to acquire and donate to charity.

II.

REQUESTS FOR ADMISSIONS

1. Admit that you continued to receive substantial income from the Plaza Extra Stores after your retirement in 1996.
2. Admit that you did not file tax returns for 1997 through 2012 until 2013, despite receiving income from the Plaza Extra Stores during that time.
3. Admit that you have never paid taxes on the income you received from the Plaza Extra Stores for 1997 through 2012.
4. Admit that you did not report all of the income you received from the Plaza Extra Stores for the tax years 1986 through 1996.
5. Admit that you filed tax returns for the tax years 1983 through 1996 which you knew under reported your income for those years.
6. Admit that you have not corrected any errors on your 1983 through 1996 tax returns regarding the additional income received from the Plaza Extra Stores but not declared for those years.
7. Admit that you or your sons removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.
8. Admit that you or your sons never removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.
9. Admit that you or your sons could remove funds from the safes at the Plaza Extra Stores without making any record of it.
10. Admit that you or your sons could remove funds from the safes at the Plaza Extra Stores without advising anyone.
11. Admit that records relating to the funds removed from the Plaza Extra Stores by Hamed family members were destroyed, discarded or secreted by you or your sons.
12. Admit that none of the records relating to the funds removed from the Plaza Extra Stores by the Hamed family members were destroyed, discarded or secreted by you or your sons.

13. Admit that you and your sons have always had access to all of the financial records for all three Plaza Extra Stores.
14. Admit that Hamed and Yusuf always kept separate, segregated books and accounts for each of the three Plaza Extra Stores, and kept a detailed accounting open to both partners for the expenses and profits of the Plaza Extra Stores wholly separate from the unrelated business operations of United in its operation of the United Shopping Center.
15. Admit that you know the total amount you and your sons have withdrawn from the Plaza Extra Stores inclusive of salaries and documented bonuses.
16. Admit that you do not know the total amount Yusuf and his sons have withdrawn from the Plaza Extra Stores apart from salaries and documented bonuses.
17. Admit that you have not done an accounting as to the funds taken by you and your sons from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.
18. Admit that you have not done an accounting as to the funds taken by Yusuf and his sons from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.
19. Admit that any monies or assets you have acquired individually came from funds withdrawn from the Plaza Extra Stores.
20. Admit that you and your sons withdrew monies from the Plaza Extra Stores without advising Yusuf or his sons.
21. Admit that you and your sons have withdrawn more monies from the Plaza Extra Stores than Yusuf and his sons.
22. Admit that the \$536,405 check dated April 29, 1998 made payable to you from the Cairo Amman Bank, Account #02501171878-00 was Plaza Extra Store funds and that you have never accounted to Yusuf for the disposition of these funds.
23. Admit that when Plaza Extra-East first opened for business, you agreed with Yusuf that rent would be paid to United based on the price of \$5.55 per square foot occupied.
24. Admit that no rent has been paid by Plaza Extra-East to United for the period from January 1, 1994 through May 4, 2004.
25. Admit that rent for Plaza Extra-East was never paid in cash.
26. Admit that you are responsible to Yusuf for all actions Waleed took as your agent.

27. Admit that you are responsible to account to Yusuf for all funds withdrawn from the Plaza Extra Stores by you and your sons.
28. Admit that Hamed and Yusuf have scrupulously maintained records of withdrawals from the Plaza Extra Stores to each of them (and their respective family members), to make certain there would always be an equal (50/50) amount of these withdrawals for themselves or to designated family members.
29. Admit that an accurate and complete accounting can be given as to the withdrawals from the Plaza Extra Stores to Hamed and Yusuf (and their respective family members).

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederic Heberg Gade

P.O. Box 756

St. Thomas, U.S. VI. 00804-0756

(340) 774-4422

Hamed v. Yusuf, et al.  
Civil No. SX-12-CV-370  
Page 7

Dated: August 27, 2014

**DUDLEY, TOPPER and FEUERZEIG, LLP**

By:



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and

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Attorneys for Fathi Yusuf and United Corporation

**DUDLEY, TOPPER  
AND, FEUERZEIG, LLP**  
1000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, U.S. VI, 00804-0756  
(340) 774-4422

**CERTIFICATE OF SERVICE**

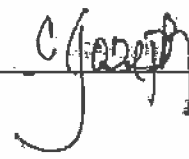
I hereby certify that on this 27<sup>th</sup> day of August 25, 2014, I caused the foregoing Fathi Yusuf's Requests for Admission To Mohammed Hamed to be served upon the following in the manner indicated for each:

Joel H. Holt, Esq. (via Hand Delivery)  
**LAW OFFICES OF JOEL H. HOLT**  
2132 Company Street  
Christiansted, V.I. 00820  
Email: [holtvi@aol.com](mailto:holtvi@aol.com)

Carl Hartmann, III, Esq. (via E-mail)  
5000 Estate Coakley Bay, #L-6  
Christiansted, VI 00820  
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Mark W. Eckard, Esq. (via Hand Delivery)  
Eckard, P.C.  
#1 Company Street  
Christiansted, VI 00824  
Email: [mark@markeckard.com](mailto:mark@markeckard.com)

Jeffrey B.C. Moorhead, Esq. (via E-mail)  
C.R.T. Building  
1132 King Street  
Christiansted, VI 00820  
Email: [jeffreylaw@yahoo.com](mailto:jeffreylaw@yahoo.com)

  
\_\_\_\_\_

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**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

**MOHAMMAD HAMED**, by his  
authorized agent **WALEED HAMED**,

Plaintiff/Counterclaim Defendant,

vs.

**FATHI YUSUF and UNITED CORPORATION**,

Defendants/Counterclaimants,

vs.,

**WALEED HAMED, WAHEED HAMED,  
MUFEED HAMED, HISHAM HAMED, and  
PLESSEN ENTERPRISES**,

Additional Counterclaim Defendants.

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

**JURY TRIAL DEMANDED**

**FATHI YUSUF'S REQUESTS FOR ADMISSION TO  
WALEED HAMED**

**TO: Waleed Hamed, Additional Counterclaim Defendant  
c/o Mark W. Eckard, Esq.  
#1 Company Street  
P.O. Box 24849  
Christiansted VI 00824**

Defendant/counterclaimant Fathi Yusuf, through his undersigned counsel, pursuant to Super. Ct. R. 39(a) and Fed. R. Civ. P. 36, hereby propounds and serves the following Requests for Admission to Waleed Hamed, to be answered separately and fully in writing within thirty (30) days from the date hereof.

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**  
1000 Frederiksberg Gade  
P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756  
(340) 774-4422

I.

DEFINITIONS

For the purpose of these Requests for Admissions, the following words shall have the meaning indicated below:

- A. The term “Waleed” and/or “You” or “Your” shall mean Waleed Hamed, son of Mohammed Hamed, individually and in his role or acting in his capacity as agent for or with power of attorney for Hamed, as defined herein.
- B. The term “Hamed” shall mean Mohammed Hamed, the Plaintiff in this case.
- C. The term “Yusuf” shall mean Fathi Yusuf, a Defendant in this case.
- D. The term “United” shall refer to United Corporation, a Defendant in this case.
- E. The term “Plessen” shall refer to Plessen Enterprises, a Counterclaim Defendant in this case.
- F. The term “Criminal Case” shall refer to V.I. District Court Case No. 1:05-cr-00015-RLF-GWB.
- G. “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Requests for Admissions any information which might otherwise be construed to be outside their scope.
- H. “Any/All” shall both mean any and all as appropriate in order to bring within the scope of these Requests for Admissions information and documents which might otherwise be considered to be beyond their scope.
- I. “Document” as used herein shall mean any handwritten, typewritten, printed, transcribed, impressed, recorded or other physical or tangible embodiment of a communication within the scope of Fed. R. Civ. P. 34(a)(1), however produced or reproduced, now or at any time in your possession, custody or control, including but not limited to: letters, notes, preliminary drafts (including metadata), reports, spreadsheets, emails, electronic messages and/or online chats (i.e. twitter, facebook, blog, message), text messages, memoranda, interoffice communications, analyses, minutes, contracts, agreements, cables, telegrams, statements, entries, affidavits, briefs, pleadings, decrees, transcriptions, recordings, diagrams, charts, photographs, and articles, and any copies, facsimiles or reproductions of the foregoing, no matter how or by whom prepared, and all



drafts prepared in connection with the foregoing. Without limitation of the term "control" as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual physical possession thereof. If any document referenced in these Requests for Admission was in your possession or subject to your control, but is no longer, state what disposition was made of it, and the date or dates on which such disposition was made.

- J. The term "communication" or "communications" means the written or oral transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- K. "Relating to" or "related to" means consisting of, referring to, describing, discussing, constituting, evidencing, containing, reflecting, mentioning, concerning, pertaining to, citing, summarizing, analyzing or bearing any logical or factual connection with the matter discussed.
- L. The words "pertain to" or "pertaining to" shall mean relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- M. "Company" or "entity" means any form of business whatever organized, including, without limitation, any corporation, sole proprietorship, partnership (general or limited), joint venture, association, group, government agency, firm or other business enterprise or legal entity which is not a natural person, and means both the singular and plural.
- N. "Parties" as used herein shall be interpreted to refer to all parties to this litigation.
- O. "Person" includes a corporation, partnership or other business associate or entity, natural person and any government or governmental body, commission, board or agency.
- P. "Plaza Extra-East" refers to the Plaza Extra Store located at Sion Farm in St. Croix.
- Q. "Plaza Extra-West" refers to the Plaza Extra Store located at Estate Plessen in St. Croix.
- R. "Plaza Extra -Tutu Park" refers to the Plaza Extra Store located in Tutu Park Mall, St. Thomas.
- S. "Plaza Extra Stores" refers to the three stores, Plaza Extra-East, Plaza Extra-West and Plaza Extra-Tutu Park.

- T. "2001 Partial Reconciliation" refers to the tallying of receipts and checks by Maher Yusuf and Mufeed Hamed relating to funds withdrawn by Yusuf and Hamed family members from Plaza Extra-East shortly before the raid by the FBI in the fall of 2001.
- U. "Batch Plant" refers to a concrete plant that Yusuf and Hamed agreed to contribute \$1 million dollars to acquire and donate to charity.

II.

REQUESTS FOR ADMISSIONS

1. Admit that your tax returns for 1992, 1993, 1994 and 1995 are correct in all respects.
2. Admit that you filed a tax return for 1993 knowing that it was incorrect as to the investments owned and losses claimed.
3. Admit that you filed tax returns for 1993 through 2001 knowing that you actually received more income than declared on the returns.
4. Admit that you have never filed an amended tax return correcting any of your tax returns.
5. Admit that you knowingly used a tax loss carry forward for tax year 1994 which you knew was not your loss.
6. Admit that you knowingly used a tax loss carry forward for tax year 1995 which you knew was not your loss.
7. Admit that you filed tax returns for the tax years 1992 through 2001 which you knew under reported your income for those years.
8. Admit that you removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.
9. Admit that you never removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.
10. Admit that you could remove funds from the safes at the Plaza Extra Stores without making any record of it.
11. Admit that you could remove funds from the safes at the Plaza Extra Stores without advising anyone.

12. Admit that records relating to the funds removed from the Plaza Extra Stores by Hamed family members were destroyed, discarded or secreted by you or members of your family.
13. Admit that none of the records relating to the funds removed from the Plaza Extra Stores by Hamed family members were destroyed or discarded by you or members of your family.
14. Admit that the 2001 Partial Reconciliation established that the Hamed family had withdrawn \$1.6 million more than the Yusuf family from Plaza Extra-East.
15. Admit that other than the receipts, checks and other evidence of Hamed family withdrawals from Plaza Extra-East used in the 2001 Partial Reconciliation, none of the records relating to withdrawals from the Plaza Extra Stores by the Hamed family members were destroyed, discarded or secreted by you or members of your family.
16. Admit that during informal mediation sessions, you have acknowledged to several individuals that the 2001 Partial Reconciliation established that the Hamed family had withdrawn \$1.6 million more than the Yusuf family.
17. Admit that you, Hamed and your brothers have always had access to all of the financial records for all three Plaza Extra Stores.
18. Admit that as a store manager, you have always had access to all of the financial records for all of the Plaza Extra Stores.
19. Admit that Hamed and Yusuf always kept separate, segregated books and accounts for each of the three Plaza Extra Stores, and kept a detailed accounting open to both partners for the expenses and profits of the Plaza Extra Stores wholly separate from the unrelated business operations of United in its operation of the United Shopping Center.
20. Admit that you know the total amount you and your family members have withdrawn from the Plaza Extra Stores from 1986 to date inclusive of salaries and documented bonuses.
21. Admit that you do not know the total amount the Yusuf family members have withdrawn from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.
22. Admit that you have not done an accounting as to the funds taken by you and your family members from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.

23. Admit that you have not done an accounting as to the funds taken by Yusuf and his sons from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.
24. Admit that you used funds taken from the Plaza Extra Stores or Plessen for investment in Five Corners.
25. Admit that you used funds taken from the Plaza Extra Stores or Plessen for investment in Five H Holdings, Inc.
26. Admit that the your only source of income from 1986 through 2012 was the Plaza Extra Stores.
27. Admit that any monies or assets you have acquired individually from 1986 through 2012 came from funds withdrawn from the Plaza Extra Stores.
28. Admit that you withdrew monies from the Plaza Extra Stores without advising Yusuf or his sons.
29. Admit that you and members of your family have withdrawn more monies from the Plaza Extra Stores than Yusuf and his sons.
30. Admit that the \$536,405 check dated April 29, 1998 made payable to Hamed and signed by you from the Cairo Amman Bank, Account #02501171878-00 was Plaza Extra Store funds and that you have never accounted to Yusuf for the disposition of these funds.
31. Admit that when Plaza Extra-East first opened for business, Hamed agreed with Yusuf that rent would be paid to United based on the price of \$5.55 per square foot occupied.
32. Admit that no rent has been paid by Plaza Extra-East to United for the period from January 1, 1994 through May 4, 2004.
33. Admit that you and your brothers sent monies from the Plaza Extra Stores to your father, Hamed in Jordan before and after his retirement in 1996.
34. Admit that you loaned monies from the Plaza Extra Stores to third parties who made repayments directly to you.
35. Admit that you believed it would be detrimental to your father's interests to advise federal authorities during the Criminal Case or to allege publically that the Plaza Extra Stores were operated as a partnership between Hamed and Yusuf.

36. Admit that your declaration dated August 24, 2014 is the first time you have stated that the rent claimed due by United for the period from January 1, 1994 to May 4, 2004 has in fact been paid.
37. Admit that you and your father have produced no documents and can produce no documents relating to the cash payment of rent to United for any period of time.
38. Admit that Hamed and Yusuf have scrupulously maintained records of withdrawals from the Plaza Extra Stores to each of them (and their respective family members), to make certain there would always be an equal (50/50) amount of these withdrawals for themselves or to designated family members.
39. Admit that an accurate and complete accounting can be given as to the withdrawals from the Plaza Extra Stores to Hamed and Yusuf (and their respective family members).
40. Admit that you and your brothers "skimmed" monies from the funds not reported as income which were the subject of the Criminal Case.
41. Admit that you and your brothers knew and understood that removal of monies from the Plaza Extra Stores without reporting it as income was done to evade taxes and that you, Hamed and your brothers personally benefited from these actions.
42. Admit that you and your brothers knowingly and actively participated in the removal of monies from the Plaza Extra Stores without reporting it as income.

**DUDLEY, TOPPER and FEUERZEIG, LLP**

Dated: August 27, 2014

By:



Charlotte K. Perrell (V.I. Bar No. 1281)  
1000 Frederiksberg Gade - P.O. Box 756  
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and

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Attorneys for Fathi Yusuf and United Corporation

**DUDLEY, TOPPER  
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Hamed v. Yusuf, et al.  
Civil No. SX-13-CV-370  
Page 8

CERTIFICATE OF SERVICE

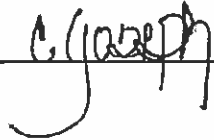
I hereby certify that on this 27<sup>th</sup> day of August 25, 2014, I caused the foregoing Fathi Yusuf's Requests for Admission To Waive Hamed to be served upon the following in the manner indicated for each:

Joel H. Holt, Esq. (via Hand Delivery)  
LAW OFFICES OF JOEL H. HOLT  
2132 Company Street  
Christiansted, V.I. 00820  
Email: [holtvi@aol.com](mailto:holtvi@aol.com)

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Mark W. Eckard, Esq. (via Hand Delivery)  
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Jeffrey B.C. Moorhead, Esq. (via E-mail)  
C.R.T. Building  
1132 King Street  
Christiansted, VI 00820  
Email: [jeffreymlaw@yahoo.com](mailto:jeffreymlaw@yahoo.com)

  
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DUDLEY, TOPPER  
AND FEUERZEIG, LLP  
1000 Frederiksborg Gate  
P.O. Box 768  
St. Thomas, U.S. V.I. 00804-0768  
(340) 774-4422

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

MOHAMMAD HAMED, by his )  
authorized agent WALEED HAMED, )

Plaintiff/Counterclaim Defendant, )

vs. )

FATHI YUSUF and UNITED CORPORATION, )

Defendants/Counterclaimants, )

vs: )

WALEED HAMED, WAHEED HAMED, )  
MUFEEED HAMED, HISHAM HAMED, and )  
PLESSEN ENTERPRISES, )

Additional Counterclaim Defendants. )

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

JURY TRIAL DEMANDED

FATHI YUSUF'S ADDITIONAL REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
MOHAMMED HAMED

TO: Joel H. Holt, Esq.  
LAW OFFICES OF JOEL H. HOLT  
2132 Company Street  
Christiansted, V.I. 00820  
Email: holtvi@aol.com

Defendant/counterclaimant Fathi Yusuf, through his undersigned counsel, pursuant to Super. Ct. R. 39(a) and Fed. R. Civ. P. 34, hereby propounds the following Requests for Production of Documents to Mohammed Hamed to be answered separately and fully in writing within thirty (30) days from the date hereof.

DUDLEY TOPPER  
AND FEUERZEIG, LLP  
1000 Frederiksborg Gate  
P.O. Box 756  
St. Thomas, U.S. V.I. 00804-0756  
(340) 774-4422

**INSTRUCTIONS FOR ANSWERING**

1. You are required, in responding to this request to obtain and furnish all information available (or available, upon demand) to you and any of your representatives, employees, agents, brokers, servants, or attorneys and to obtain and furnish all information that is in your possession or under your control, or in the possession or under the control of any of your representatives, employees, agents, servants or attorneys. In addition, "control" under Fed. R. Civ. P. 34 is broadly construed and, therefore, you are obligated to produce documents requested as long as you may have the legal right and/or ability to obtain the documents from another source on demand.
2. Each request which seeks information relating in any way to communications to, from, or within a business and/or corporate entity is hereby designated to demand, and should be construed to include, all communications by and between representatives, employees, agents and/or servants of the business and/or corporate entity.
3. Each request should be responded to separately. However, a document that is responsive to more than one request may, if the relevant portion is marked or indexed, be produced and referred to in a later response.
4. All documents produced shall be segregated and identified by the request to which they are primarily responsive. For any documents that are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner as to preserve and identify the file from which such documents were taken.
5. If you object to part of any request, please furnish documents responsive to the remainder of the request.
6. Each request refers to all documents that are either known by you to exist or that can be located or discovered by reasonably diligent efforts.
7. The documents produced in response to this request shall include all attachments, metadata, and enclosures.
8. The documents requested for production include those in the possession, custody, or control of you, your agents, representatives, or attorneys.
9. References to the singular include the plural.

DUDLEY, TOPPER  
AND FEUERZEIG, LLP

1000 Frederiksborg Gate  
P.O. Box 758

St. Thomas, U.S. V.I. 00804-0758

(340) 774-4422



10. The use of any tense of any verb shall be considered also to include within its meaning all other tenses of the verb so used.
11. Please note that you are under a continuing duty to seasonably supplement the production with documents obtained subsequent to the preparation and filing of a response to each request.
12. All documents called for by any request for which you claim a privilege or statutory authority as a ground for non-production shall be listed chronologically as follows:
  - a) The place, date and manner of recording or otherwise preparing the document;
  - b) The name and title of the sender;
  - c) The identity of each person or persons (other than stenographic or clerical assistants) participating in the preparation of the document;
  - d) The identity of each person to whom the contents of the document have been communicated by copy, exhibition, sketch, reading or substantial summarization, the dates of such communication, and the employer and title of such person at the time of the communication;
  - e) Type of document;
  - f) Subject matter (without revealing the relevant information for which privilege or statutory authority is claimed); and
  - g) Factual and legal basis for claim, privilege or specific statutory or regulatory authority which provides the claimed ground for non-production.
13. Each request to produce a document or documents shall be deemed to call for the production of the original document or documents to the extent that they are in, or subject to, directly or indirectly, the control of the party to whom this request is addressed. In addition, each request should be considered as including a request for separate production of all copies and, to the extent applicable, preliminary drafts of documents that differ in any respect from the original or final draft or from each other (e.g., by reason of differences in form or content or by reason of handwritten notes or comments having been added to one copy of a document but not on the original or other copies thereof).
14. All documents produced in response to this request shall be produced notwithstanding the fact that portions thereof may contain information not requested.
15. If any documents requested have been lost or destroyed, the documents so lost or destroyed shall be identified by author, date and subject matter.
16. Where exact information cannot be furnished, estimated information is to be supplied to the extent possible. Where estimation is used, it should be so indicated, and an

DUDLEY, TOPPER  
AND FEUERZEIG, LLP

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explanation should be given as to the basis on which the estimate was made and the reason exact information cannot be furnished.

17. With respect to any document requested which was once in your possession, custody or control, but no longer is, please indicate the date the document ceased to be in your possession, custody or control, the manner in which it ceased, and the name and address of its present custodian.
18. Unless otherwise indicated, each request is to be construed as encompassing all documents which pertain to the stated subject matter and to events which transpired giving rise to this litigation up to the present.
19. Foreign language (i.e. in a language other than English) documents must be produced if the meaning and/or definition of the words in the document may cause the document to be responsive to any request. If you are in possession of English and foreign language versions of the same document, all versions of the document must be produced.

#### DEFINITIONS

A. For the purpose of these Requests, the following words shall have the meaning indicated below:

- A. The term "Waleed" shall mean Waleed Hamed, son of Mohammed Hamed, individually and in his role or acting in his capacity as agent for or with power of attorney for Hamed, as defined herein.
- B. The term "Hamed" and "You" or "Your" shall mean Mohammed Hamed, the Plaintiff in this case.
- C. The term "Yusuf" shall mean Fathi Yusuf, a Defendant in this case.
- D. The term "United" shall refer to United Corporation, a Defendant in this case.
- E. The term "Plessen" shall refer to Plessen Enterprises, a Counterclaim Defendant in this case.
- F. The term "Criminal Case" shall refer to V.I. District Court Case No. 1:05-cr-00015-RLF-GWB.

DUDLEY, TOPPER  
AND FEUERZEIG, LLP

1000 Frederiksborg Gate

P.O. Box 756

St. Thomas, U.S. V.I. 00804-0756

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- G. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside their scope.
- H. "Any/All" shall both mean any and all as appropriate in order to bring within the scope of these interrogatories information and documents which might otherwise be considered to be beyond their scope.
- I. "Document" as used herein shall mean any handwritten, typewritten, printed, transcribed, impressed, recorded or other physical or tangible embodiment of a communication within the scope of Fed. R. Civ. P. 34(a)(1), however produced or reproduced, now or at any time in your possession, custody or control, including but not limited to: letters, notes, preliminary drafts (including metadata), reports, spreadsheets, emails, electronic messages and/or online chats (i.e. twitter, facebook, blog, message), text messages, memoranda, interoffice communications, analyses, minutes, contracts, agreements, cables, telegrams, statements, entries, affidavits, briefs, pleadings, decrees, transcriptions, recordings, diagrams, charts, photographs, and articles, and any copies, facsimiles or reproductions of the foregoing, no matter how or by whom prepared, and all drafts prepared in connection with the foregoing. Without limitation of the term "control" as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual physical possession thereof. If any document requested was in your possession or subject to your control, but is no longer, state what disposition was made of it, and the date or dates on which such disposition was made.
- J. The term "communication" or "communications" means the written or oral transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- K. "Relating to" or "related to" means consisting of, referring to, describing, discussing, constituting, evidencing, containing, reflecting, mentioning, concerning, pertaining to, citing, summarizing, analyzing or bearing any logical or factual connection with the matter discussed.
- L. The words "pertain to" or "pertaining to" shall mean relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- M. "Company" or "entity" means any form of business whatever organized, including, without limitation, any corporation, sole proprietorship, partnership (general or

limited), joint venture, association, group, government agency, firm or other business enterprise or legal entity which is not a natural person, and means both the singular and plural.

N. "Define" when used with reference to a phrase or term, means (a) state the meaning of the phrase or term; and (b) identify each person known by Hamed to have personal knowledge regarding the meaning of such phrase or term upon whose testimony Hamed presently intends to rely at trial.

O. "Describe", means to explain fully by reference to underlying facts rather than conclusions of fact or law.

P. "Identify" means as follows:

(A) "Identify" and "identification" when used with reference to a natural person, means to state his or her (a) full name; (b) present business and/or residence address and telephone numbers; (c) present business affiliation, address, title or position; (d) if different from (c), the group, organization or business the person was representing at any time relevant to the answer to a specific Interrogatory; and (e) home address. If this information is not known, furnish such information as was last known.

(B) "Identify" and "identification" when used with reference to a business entity, means to state its (a) full name; (b) form or organization (e.g., corporation, partnership); (c) place of incorporation; and (d) address of its principal place of business. If this information is not known, furnish such information as was last known.

(C) "Identify" and "identification" when used with reference to an act, action, activity, omission or event, means to state (a) the identity of persons who participated in such act, action, activity, omission, or event; (b) the date and place of such act, action, activity, omission, or event in detail; and (c) the identity of each person having knowledge of the act, action, activity, omission, or event.

(D) "Identify" and "identification" when used in reference to a document, means to state (a) the type of document or some other means of identifying it (e.g., letter, memorandum, report, etc.); (b) its subject matter; (c) the identity of its author(s), signer(s), and any person who participated in its preparation; (d) the identity of each addressee or recipient; (e) the identity of each person to whom copies were sent and each person by whom copies were received; (f) its title and date; and (g) its present location and the identity of its custodian (if any such document was, but is no longer

in, the possession of or subject to the control of the Defendants, state what and when disposition was made of it).

(E) "Identify" and "Identification" when used with reference to a conversation, oral communication, discussion, oral statement or interview, means (a) state the date upon which it took place; (b) identify each person who participated in it, witnessed it and/or overheard it; (c) state what was said by each such person, including the issues and matters discussed; and (d) identify each document which describes or relates to it.

- Q. "Individual" or "Person" means any natural person, including without limitation, an officer, director, employee, agent, representative, distributor, supplier, independent contractor, licensee or franchisee, and it includes any corporation, sole proprietorship, partnership, joint venture, group, government agency and agent, firm or other business enterprise or legal entity, which is not a natural person, and means both the singular and the plural.
- R. "Parties" as used herein shall be interpreted to refer to all parties to this litigation.
- S. "Person" includes a corporation, partnership or other business associate or entity, natural person and any government or governmental body, commission, board or agency.
- T. "Plaza Extra-East" refers to the Plaza Extra Store located at Sion Farm in St. Croix.
- U. "Plaza Extra-West" refers to the Plaza Extra Store located at Estate Plessen in St. Croix.
- V. "Plaza Extra -Tutu Park" refers to the Plaza Extra Store located in Tutu Park Mall, St. Thomas.
- W. "Plaza Extra Stores" refers to the three stores, Plaza Extra-East, Plaza Extra-West and Plaza Extra-Tutu Park.
- X. "2001 Partial Reconciliation" refers to the tallying of receipts and checks by Maher Yusuf and Mufeed Hamed relating to funds withdrawn by Yusuf and Hamed family members from Plaza Extra-East shortly before the raid by the FBI in the fall of 2001.
- Y. "Batch Plant" refers to a concrete plant that Yusuf and Hamed agreed to contributed \$1 million dollars to acquire and donate to charity.

As used in this demand for production, unless it is otherwise provided or the context requires a different meaning, words importing the singular include and apply to several persons or things; words importing the masculine gender include the feminine; words used in the present tense include the future.

Documents must be catalogued by number to correspond to the appropriate request.

Whenever you wish to object for any reason to a request, you shall state the nature of your objections, identify the subject matter to which your objection pertains, and cite the legal rule upon which you rely in effecting your objection.

**QUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksborg Gate

P.O. Box 756

St. Thomas, U.S.V.I. 00834-0756

(340) 774-4422

### REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts, you have or had at any bank or financial institution anywhere in the world from 1986 through the present.
2. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts in the name of any of your children, wife, parents, brothers, and any other third parties at any bank or financial institution anywhere in the world in which you have or had any legal or equitable interest from January 1, 1986 to date.
3. Please produce all documents provided to your accountants from January 1, 1986 to date either for the preparation of tax returns, bookkeeping services, the preparation of financial statements, or loan applications.
4. Please produce all statements from any brokerage or other accounts, including online based accounts, issued from January 1, 1986 to present pertaining to any stocks, bonds, stock options, debentures, mutual funds or other financial investments in which you or Hamed have or had any interest.
5. Please produce all documents relating to any cash withdrawn by the Partners from the Plaza Extra Stores from January 1, 1986 to date including all documents relating to what was done with such cash.
6. Please produce all documents relating to any cash withdrawn by any of the Hamed family members from the Plaza Extra Stores from January 1, 1986 to date including all documents relating to what was done with such cash.
7. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to the Partners or to third parties on their behalves from January 1, 1986 to date including all documents relating to what was done with such funds.
8. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to you, Hamed family members or to third parties on you or your sons behalves from January 1, 1986 to date including all documents relating to what was done with such funds.
9. Please produce all documents relating to any rent paid by or due from the Partnership for the Plaza Extra – East premises from January 1, 1986 to date including rent calculations, accounting records evidencing rent payments or rent due, claims or demands for rent, and rent payments.

10. Please produce all documents either supporting, undermining, or relating to any of the statements and information set forth in the letter from Yusuf to Hamed dated August 15, 2012 identified at FY004123-FY004210.
11. Please produce all documents relating to any documents removed from the Plaza Extra Stores prior to the FBI raid in 2001 including any documents pertaining to the destruction of receipts or other documents.
12. Please produce all documents relating to any claim Hamed may have with respect to stock losses allegedly caused by Yusuf including all documents reflecting checks deposited into any account used by Yusuf to generate such losses.
13. Please produce all documents relating to any claim you may have with respect to expenses incurred in the Criminal Case including all documents reflecting checks issued from the Plaza Extra Accounts to pay such expenses.
14. Please produce all documents relating to the acquisition, improvement, cost of construction, and market value of all real estate in which you have or had an ownership interest from January 1, 1986 to date including documents pertaining to the source of funds for acquisition and improvement.
15. Please produce all documents relating to the "Black Book" and any pages missing from that document.
16. Please produce all documents the source of funds for the cash portion of the preliminary injunction bond posted in this case.
17. Please produce all documents relating to the source of funds for the acquisition and operation of the businesses known as Five Corners and Five-H Holdings, Inc. including all documents pertaining to the organization, existence, and ownership of such businesses.
18. Please produce any financial statements prepared by or for you from January 1, 1986 to date.
19. Please produce all documents relating to the acquisition, improvement, cost of construction, and market value of all real estate in which you have or had an ownership interest from January 1, 1986 to date including all documents pertaining to the source of funds for acquisition and improvement.

DUDLEY, TOPPER  
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20. Please produce all documents reflecting payment of United's insurance and Gross Receipts Taxes from Plaza Extra Accounts from January 1, 1986 to date including checks issued for such payment.
21. Please produce all documents generated in or relating to the Criminal Case that pertain to your or your sons' receipt of money in the form of cash, checks or wire transfers from the Plaza Extra Stores or the Plaza Extra Accounts from January 1, 1986 to date.
22. Please produce all documents relating to how proceeds or profits from the Plaza Extra Stores were distributed to you and your family members from January 1, 1986 to date.
23. Please produce all documents relating to the removal, transfer, subsequent transfer and use of funds from any of the Plaza Extra Accounts by you and your family members, other than salaries or direct reimbursements of costs.
24. Please produce all documents relating to any claims or counterclaims you may have against Yusuf and United for any type of relief including, but not limited to, money damages.
25. Please produce all documents relating to all defenses or offsets you have or may have with regard to the claims of Yusuf and United.
26. Please produce all documents relating to all amounts which you and your family members have taken from the Plaza Extra Stores or Plaza Extra Accounts beyond salaries from January 1, 1986 to date.
27. Please produce all documents relating to all funds removed by you or your family from the Plaza Extra Stores or Plaza Extra Accounts that were used to buy real estate or other assets, and list all assets purchased, form of ownership, the date of purchase and the percentile owners at that time and now.
28. Please produce all documents relating to all investigations, reports, studies, surveys, valuations or expert advice obtained by you and your family with regard to the Plaza Extra Stores from January 1, 2011 to date.
29. Please produce all documents relating to all witnesses you or your family have interviewed and may or will call at trial in this matter. Provide all witness statements, notes and information provided by them to you.
30. Please produce all accountings, valuations or other information pertaining to the valuation or division of the Plaza Extra Stores.

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31. Please produce all records kept by you and your family for keeping track of withdrawals and amounts due to the Hameds or Yusufs from January 1, 1986 through December 31, 2003.
32. Please produce the financial documents for all accounts and transactions on those accounts for Sixteen Plus and Plessen Enterprises, Inc.
33. Please produce all documents supporting any claims of Hamed against United.
34. Please produce all documents supporting any claims of Hamed against Yusuf.
35. Please produce all documents relating to any defense you intend to assert with respect to the claims made against you in this case.
36. Please produce all documents relating to each exhibit you intend to introduce into evidence at the trial of this case.

**DUDLEY, TOPPER and FEUERZEIG, LLP**

Dated: August 27, 2014

By:



Charlotte K. Perrell (V.I. Bar No. 1281)  
1000 Frederiksberg Gade - P.O. Box 756  
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Telephone: (340) 715-4405  
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and

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Christiansted, VI 00830  
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Email: [info@dewood-law.com](mailto:info@dewood-law.com)

Attorneys for Fathi Yusuf and United Corporation

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, U.S.V.I. 00804-0756

(340) 774-4422

**CERTIFICATE OF SERVICE**

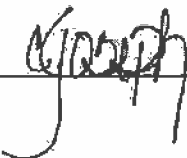
I hereby certify that on this 27<sup>th</sup> day of August, 2014, I caused the foregoing Fathi Yusuf's Additional Requests For Production Of Documents To Mohammed Hamed to be served upon the following in the manner indicated for each:

Joel H. Holt, Esq. (via Hand Delivery)  
LAW OFFICES OF JOEL H. HOLT  
2132 Company Street  
Christiansted, V.I. 00820  
Email: [holtvi@aol.com](mailto:holtvi@aol.com)

Carl Hartmann, III, Esq. (Via E-mail)  
5000 Estate Coakley Bay, #L-6  
Christiansted, VI 00820  
Email: [carl@carlhartmann.com](mailto:carl@carlhartmann.com)

Mark W. Eckard, Esq. (via Hand Delivery)  
Eckard, P.C.  
#1 Company Street  
Christiansted, VI 00824  
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Jeffrey B.C. Moorhead, Esq. (Via E-mail)  
C.R.T. Building  
1132 King Street  
Christiansted, VI 00820  
Email: [jeffreymlaw@yahoo.com](mailto:jeffreymlaw@yahoo.com)

  
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**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

<b>MOHAMMAD HAMED, by his</b>	)	
<b>authorized agent WALEED HAMED,</b>	)	
	)	<b>CIVIL NO. SX-12-CV-370</b>
<b>Plaintiff/Counterclaim Defendant,</b>	)	
	)	<b>ACTION FOR DAMAGES,</b>
<b>vs.</b>	)	<b>INJUNCTIVE RELIEF</b>
	)	<b>AND DECLARATORY RELIEF</b>
<b>FATHI YUSUF and UNITED CORPORATION,</b>	)	
	)	
<b>Defendants/Counterclaimants,</b>	)	
	)	
<b>vs.</b>	)	<b>JURY TRIAL DEMANDED</b>
<b>WALEED HAMED, WAHEED HAMED,</b>	)	
<b>MUFEED HAMED, HISHAM HAMED, and</b>	)	
<b>PLESSËN ENTERPRISES,</b>	)	
	)	
<b>Additional Counterclaim Defendants.</b>	)	
	)	
	)	

**FATHI YUSUF'S INTERROGATORIES TO**  
**WALEED HAMED**

**TO: Waleed Hamed, Additional Counterclaim Defendant**  
**c/o Mark W. Eckard, Esq.**  
**#1 Company Street**  
**P.O. Box 24849**  
**Christiansted VI 00824**

Defendant/counterclaimant Fathi Yusuf, through his undersigned counsel, pursuant to Super. Ct. R. 39(a) and Fed. R. Civ. P. 33, hereby propounds and serves the following Interrogatories to Waleed Hamed, to be answered separately and fully in writing, under oath within thirty (30) days from the date hereof. If additional space for the answer to an Interrogatory is needed, attach a separate page and indicate the Interrogatory which is being answered.

**L**  
**DEFINITIONS**

For the purpose of these Interrogatories, the following words shall have the meaning indicated below:

- A. The term "Waleed" and/or "You" or "Your" shall mean Waleed Hamed, son of Mohammed Hamed, individually and in his role or acting in his capacity as agent for or with power of attorney for Hamed, as defined herein.
- B. The term "Hamed" shall mean Mohammed Hamed, the Plaintiff in this case.
- C. The term "Yusuf" shall mean Fathi Yusuf, a Defendant in this case.
- D. The term "United" shall refer to United Corporation, a Defendant in this case.
- E. The term "Plessen" shall refer to Plessen Enterprises, a Counterclaim Defendant in this case.
- F. The term "Criminal Case" shall refer to V.I. District Court Case No. 1:05-cr-00015-RLF-GWB.
- G. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside their scope.
- H. "Any/All" shall both mean any and all as appropriate in order to bring within the scope of these interrogatories information and documents which might otherwise be considered to be beyond their scope.
- I. "Document" as used herein shall mean any handwritten, typewritten, printed, transcribed, impressed, recorded or other physical or tangible embodiment of a communication within the scope of Fed. R. Civ. P. 34(a)(1), however produced or reproduced, now or at any time in your possession, custody or control, including but not limited to: letters, notes, preliminary drafts (including metadata), reports, spreadsheets, emails, electronic messages and/or online chats (i.e. twitter, facebook, blog, message), text messages, memoranda, interoffice communications, analyses, minutes, contracts, agreements, cables, telegrams, statements, entries, affidavits, briefs, pleadings, decrees, transcriptions, recordings, diagrams, charts, photographs, and articles, and any copies, facsimiles or reproductions of the foregoing, no matter how or by whom prepared, and all

drafts prepared in connection with the foregoing. Without limitation of the term "control" as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual physical possession thereof. If any document requested was in your possession or subject to your control, but is no longer, state what disposition was made of it, and the date or dates on which such disposition was made.

- J. The term "communication" or "communications" means the written or oral transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- K. "Relating to" or "related to" means consisting of, referring to, describing, discussing, constituting, evidencing, containing, reflecting, mentioning, concerning, pertaining to, citing, summarizing, analyzing or bearing any logical or factual connection with the matter discussed.
- L. The words "pertain to" or "pertaining to" shall mean relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- M. "Company" or "entity" means any form of business whatever organized, including, without limitation, any corporation, sole proprietorship, partnership (general or limited), joint venture, association, group, government agency, firm or other business enterprise or legal entity which is not a natural person, and means both the singular and plural.
- N. "Define" when used with reference to a phrase or term, means (a) state the meaning of the phrase or term; and (b) identify each person known by Hamed to have personal knowledge regarding the meaning of such phrase or term upon whose testimony Hamed presently intends to rely at trial.
- O. "Describe", means to explain fully by reference to underlying facts rather than conclusions of fact or law.
- P. "Identify" means as follows:
  - (A) "Identify" and "identification" when used with reference to a natural person, means to state his or her (a) full name; (b) present business and/or residence address and telephone numbers; (c) present business affiliation, address, title or position; (d)

if different from (c), the group, organization or business the person was representing at any time relevant to the answer to a specific Interrogatory; and (e) home address. If this information is not known, furnish such information as was last known.

(B) "Identify" and "identification" when used with reference to a business entity, means to state its (a) full name; (b) form or organization (e.g., corporation, partnership); (c) place of incorporation; and (d) address of its principal place of business. If this information is not known, furnish such information as was last known.

(C) "Identify" and "identification" when used with reference to an act, action, activity, omission or event, means to state (a) the identity of persons who participated in such act, action, activity, omission, or event; (b) the date and place of such act, action, activity, omission, or event in detail; and (c) the identity of each person having knowledge of the act, action, activity, omission, or event.

(D) "Identify" and "identification" when used in reference to a document, means to state (a) the type of document or some other means of identifying it (e.g., letter, memorandum, report, etc.); (b) its subject matter; (c) the identity of its author(s), signer(s), and any person who participated in its preparation; (d) the identity of each addressee or recipient; (e) the identity of each person to whom copies were sent and each person by whom copies were received; (f) its title and date; and (g) its present location and the identity of its custodian (if any such document was, but is no longer in, the possession of or subject to the control of the Defendants, state what and when disposition was made of it).

(E) "Identify" and "Identification" when used with reference to a conversation, oral communication, discussion, oral statement or interview, means (a) state the date upon which it took place; (b) identify each person who participated in it, witnessed it and/or overhead it; (c) state what was said by each such person, including the issues and matters discussed; and (d) identify each document which describes or relates to it.

Q. "Individual" or "Person" means any natural person, including without limitation, an officer, director, employee, agent, representative, distributor, supplier, independent contractor, licensee or franchisee, and it includes any corporation, sole proprietorship, partnership, joint venture, group, government agency and agent, firm or other business enterprise or legal entity, which is not a natural person, and means both the singular and the plural.

R. "Parties" as used herein shall be interpreted to refer to all parties to this litigation.

- S. "Person" includes a corporation, partnership or other business associate or entity, natural person and any government or governmental body, commission, board or agency.
- T. "Plaza Extra-East" refers to the Plaza Extra Store located at Sion Farm in St. Croix.
- U. "Plaza Extra-West" refers to the Plaza Extra Store located at Estate Plessen in St. Croix.
- V. "Plaza Extra -Tutu Park" refers to the Plaza Extra Store located in Tutu Park Mall, St. Thomas.
- W. "Plaza Extra Stores" refers to the three stores, Plaza Extra-East, Plaza Extra-West and Plaza Extra-Tutu Park.
- X. "2001 Partial Reconciliation" refers to the tallying of receipts and checks by Maher Yusuf and Mufeed Hamed relating to funds withdrawn by Yusuf and Hamed family members from Plaza Extra-East shortly before the raid by the FBI in the fall of 2001.
- Y. "Batch Plant" refers to a concrete plant that Yusuf and Hamed agreed to contributed \$1 million dollars to acquire and donate to charity.

## II. INSTRUCTIONS

1. Each Interrogatory shall be continuing so as to require you to file supplemental answers pursuant to Fed R. Civ. P. 26.
2. Each Interrogatory calls for information in your possession, custody or control, or in the possession, custody or control of Waleed's present or former representatives, agents, consultants, contractors, subcontractors, and legal counsel, unless privileged or otherwise protected.
3. With respect to any information that is withheld on a claim of privilege, provide at the time of responding to these Interrogatories, a statement signed by an attorney representing Waleed setting forth as to each such item of information withheld:
  - (a) the identity of the person(s) having knowledge of the information;
  - (b) the identity of the persons to whom the information was communicated or otherwise made available;



(c) the job title or position of every person identified in response to subparagraphs (a) and (b);

(d) the date(s) on which the information was received or became known by each person having knowledge of its existence;

(e) a brief description of the nature and subject matter of the information; and

(f) the statute, rule or decision that is claimed to give rise to the privilege.

4. Each part of the following Interrogatories, whether a numerical paragraph or one of the subparagraphs, is to be answered separately and fully.

5. If objection is made to an Interrogatory, or any portion thereof, the Interrogatory or portion thereof shall be specified and, as to each, all reasons for objections shall be stated fully by the responding party.

6. If all the information furnished in an answer to all or any part of an Interrogatory is not within the personal knowledge of the person signing the Interrogatory, identify each person to whom all or any part of the information furnished is a matter of personal knowledge, and each person who communicated to the person signing the Interrogatory any part of the information furnished.

7. If the answer to all or any part of the Interrogatory is not presently known or available, include a statement to that effect, furnish the information known or available, and respond to the entire Interrogatory by supplemental answer in writing and under oath within ten (10) days from the time the answer becomes known or available.

**III.**

**INTERROGATORIES**

1. Identify each person who assisted in answering these interrogatories and the accompanying requests for admission, or provided any information whatsoever to assist with preparing your responses to the interrogatories and requests for admission.

2. Describe your understanding of the 2001 Partial Reconciliation whether it took place, exactly what was done, who was involved, and how so, the results of the partial reconciliation and what became of the receipts tabulated during the partial reconciliation.

3. If you dispute the removal of the \$2.7 million by Yusuf pursuant to the August 15, 2012 letter identified at FY004123-FY004210 and attached receipts, please describe in detail each and every item disputed as well as what amounts you contend should be off-set and identify any and all documentation supporting your contention.

4. Please identify all checking, savings, credit, investment, trust, or escrow accounts, you have or had in your name or upon which you had signatory authority to write checks and withdraw funds at any bank or financial institution anywhere in the world from 1986 through the present and the date the accounts were opened and closed, if any are closed, including but not limited to:

- a. Banque Fraçaise Commerciale Account No. 3878-91
- b. Banque Fraçaise Commerciale Account No. 3878-90
- c. Scotia Bank Account No.00308313
- d. VI Community Bank Account No. 6086
- e. VI Community Bank Account No. 5817
- f. Banco Popular 194-602753
- g. Merrill Lynch 140-16184
- h. Merrill Lynch 140-85240
- i. Banco Popular Visa – Account ending in 2319
- j. Banco Popular Visa – Account ending in 2204
- k. Amex Gold Card – Account No. 3782-925489-33001
- l. Cairo Amman Bank – Account No. 02 501 171878 00

5. What is your explanation for the amounts listed as investment losses on Bates No. UC00203-4 of your 1993 Income Tax return, including how, when and from what source you received the funds for such investments, what brokerage account(s) were used for these investments, or, if you contend that the 1993, 1994 and 1995 Income Tax returns were in error, explain when you discovered the error and what you did, if anything, to correct the error identifying any documentation reflecting this error and your corrective actions.

6. Describe all of the means and method by which the Yusuf and Hamed family would withdraw funds from the Plaza Extra Stores for their personal benefits.

Describe all the means and method by which the Yusuf and Hamed families would account, note or keep track of withdrawals either from the safes or the Plaza Extra Stores' accounts, including any ledgers, books, sign-off sheets, receipts, loans, checks or any other means, including who specifically had access to the funds, whether the removal methods changed over time (i.e. before and after the FBI raid and the Criminal Case).



*Hamed v. Yusuf et al.*

Case No. SX-12-CV-370

Yusuf's First Request for Production of Documents to Defendant Waleed Hamed

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8. Have you or anyone under your direction ever removed, secreted, tampered with, altered or destroyed any information reflecting the withdrawals of the Hamed and Yusuf families from the Plaza Extra Stores' funds at any point in time and, if so, please describe in detail what was done and why?

- 9: Please describe in detail the entire transaction involving the Batch Plant, including what amounts were supposed to be transferred, who instructed the transfer, who executed the transfers, how the funds were transferred, what monies were transferred from which accounts, what monies were received in which amounts, when they were transferred and identify any and all documents reflecting the funds transferred and received and your explanation for any amounts intended for the Batch Plant that were not received.

10. Please describe the manner in which members of the Hamed and Yusuf families were able to withdraw money from the safes at the three Plaza Extra Stores, including who was responsible for which store safes during all times between 1986 and December 31, 2003, what was required to withdraw cash and how withdrawals were accounted for and whether a family member could have removed cash without providing documentation.

*Hamed v. Yusuf et al.*

Case No. SX-12-CV-370

Yusuf's First Request for Production of Documents to Defendant Waleed Hamed

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11. Please describe in detail the purpose of the \$536,405.00 check in attachment A hereto made payable to Hamed, the source of the monies which funded this check and what was done with the proceeds of this check.

12. Please identify all documents relating to any cash, checks or wire transfers from any Plaza Extra Accounts to Hamed and Yusuf, their family members or to third parties on their behalves from January 1, 1986 to date and your contention as to what amounts have been withdrawn by each family.

13. Describe any and all discussions you have had with Fathi Yusuf regarding the rent to be paid by Plaza Extra-East to United including, but not limited to, the amount of rent to be paid and the collection of the rent for the period January 1, 1994 through May 4, 2004.

*Hamed v. Yusuf et al.*

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14. As to the funds Yusuf used to trade stocks, please describe your role in depositing or approving the use of an additional funds after losses were sustained.

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15. What is the source of funds used for the cash portion of the preliminary injunction bond posted in this case.



16. What is the source of funds for the acquisition and operation of the businesses known as Five Corners and Five-H Holdings, Inc. and any other businesses you have an ownership interest in apart from the Yusuf family and describe when the entities were organized and how they are owned?

17. Describe in detail the basis for issuing the check dated March 27, 2013 in the amount of \$460,000 drawn on the account of Plessen Enterprises, Inc. and payable to you, your rationale for then subsequently depositing \$230,000 with the Clerk of the Superior Court after Yusuf's son filed a complaint contesting the \$460,000 removal and what was done with the proceeds of that check?

*Hamed v. Yusuf et al.*

Case No. SX-12-CV-370

Yusuf's First Request for Production of Documents to Defendant Walced Hamed

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Dated: August 27, 2014

By:

**DUDLEY, TOPPER and FEUERZEIG, LLP**



Charlotte K. Perrell (V.I. Bar No. 1281)  
1000 Frederiksberg Gade - P.O. Box 756  
St. Thomas, VI 00804  
Telephone: (340) 715-4437  
Telefax: (340) 715-4400  
E-mail: [cperrell@dtflaw.com](mailto:cperrell@dtflaw.com)

and

Nizar A. DeWood, Esq. (V.I. Bar No. 1177)  
The DeWood Law Firm  
2006 Eastern Suburbs, Suite 101  
Christiansted, VI 00830  
Telephone: (340) 773-3444  
Telefax: (888) 398-8428  
Email: [info@dewood-law.com](mailto:info@dewood-law.com)  
Attorneys for Fathi Yusuf and United Corporation

**CERTIFICATE OF SERVICE**

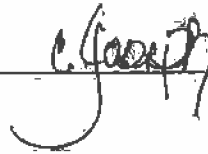
I hereby certify that on this 27<sup>th</sup> day of August 25, 2014, I caused the foregoing Fathi Yusuf's Interrogatories To Waleed Hamed to be served upon the following in the manner indicated for each:

Joel H. Holt, Esq. (via Hand Delivery)  
**LAW OFFICES OF JOEL H. HOLT**  
2132 Company Street  
Christiansted, V.I. 00820  
Email: [holtvi@aol.com](mailto:holtvi@aol.com)

Carl Hartmann, III, Esq. (via E-mail)  
5000 Estate Coakley Bay, #L-6  
Christiansted, VI 00820  
Email: [carl@carlhartmann.com](mailto:carl@carlhartmann.com)

Mark W. Eckard, Esq. (via Hand Delivery)  
Eckard, P.C.  
#1 Company Street  
Christiansted, VI 00824  
Email: [mark@markeckard.com](mailto:mark@markeckard.com)

Jeffrey B.C. Moorhead, Esq. (via E-mail)  
C.R.T. Building  
1132 King Street  
Christiansted, VI 00820  
Email: [jeffreymlaw@yahoo.com](mailto:jeffreymlaw@yahoo.com)



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200 Rfd000  
S3-003493

APPLICATION FOR

Certified Check  
 Demand Draft  
 Local Transfer  
 Order Transfer

إذني بالتحويل  
 إلكتروني  
 إلكتروني  
 إلكتروني  
 إلكتروني  
 إلكتروني

Total Amount to be transferred to Beneficiary: 380472

Total Amount:  Cash  Cash Enclosed

**Cairo American Bank**

Date: 1998/1/29

Name: ...

Tel #: ...

I. D. Information: ...

Address: ...

Branch: ...

Pay in the equivalent as follows:  Cash  Credit to my Account # ...

Pay in the equivalent as follows:  Cash  Credit to my Account # ...

Equivalent Amount	دينار مصري	File	معدل التحويل	المبلغ بالعملة الأجنبية	نوع العملة التي سيتم تحويلها
380472	067	7093	536405	#	

Customer's Signature: ...

Signature: ...

EXHIBIT

FY 003000

F-1-0

بنك القاهرة عمان  
CAIRO AMMAN BANK

DATE: 4/29/88

TO THE ORDER OF: Muhammad Hamed

THE SUM OF: Five hundred and six US. D.

536.45

Signature: [Handwritten Signature]

000006 09 1280:000000006 101883M  
025017187800

رشد  
۸۸

[Handwritten Signature]  
فلف رشيد

[Handwritten Signature]  
AMERICAN BANK NOTE COMPANY  
ISSUED: 22 JUN 83  
MIAMI  
USA

2001R003R4  
S3-003495

FY 003001



Doc # 2

بنك القاهرة عمان  
CAIRO AMMAN BANK

رقم الشيك ٤٢٥٣١٢٦٩  
رقم الشيك ٤٢٥٣١٢٦٩

PAY BY THIS CHECKED  
TO THE ORDER OF *Mohammad Hamed*

DATE 4/22/89

THE SUM OF *Five hundred and six thousand four hundred and fifty six US. D.*

Signature *Mohammed*

٤٢٥٣١٢٦٩

٠٠٠٠٠٠٠٠ ٠٤ ١١ ٤٨٠ ٠٠٠٠٠٠٠٠٠٠٠٠ ١٠٧٨٤٤٣٠  
0250117187800

- (A) Branch In Jordan check Issued
- (B) Waleed Sims
- (C) Mohammed Payto
- (D) Bank Account # WALEED Hamed

*Handwritten signature*

*فوق الشيك*

*Handwritten signature*

رقم الشيك ٤٢٥٣١٢٦٩

Issued: 22 JUN 89

MIAMI  
USA



**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

**MOHAMMAD HAMED**, by his )  
authorized agent **WALEED HAMED**, )  
 )  
Plaintiff/Counterclaim Defendant, )  
 )  
vs. )  
 )  
**FATHI YUSUF and UNITED CORPORATION**, )  
 )  
Defendants/Counterclaimants, )  
 )  
vs. )  
 )  
**WALEED HAMED, WAHEED HAMED,** )  
**MUFEED HAMED, HISHAM HAMED, and** )  
**PLESSEN ENTERPRISES,** )  
 )  
Additional Counterclaim Defendants. )

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

JURY TRIAL DEMANDED

**FATHI YUSUF'S SECOND REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
WALEED HAMED**

TO: Waleed Hamed  
c/o Mark W. Eckard, Esq.  
Eckard, P.C.  
#1 Company Street  
Christiansted, VI 00824  
Email: [mark@markeckard.com](mailto:mark@markeckard.com)

Defendant/counterclaimant Fathi Yusuf, through his undersigned counsel, pursuant to Super. Ct. R. 39(a) and Fed. R. Civ. P. 34, hereby propounds the following Requests for Production of Documents to Waleed Hamed to be answered separately and fully in writing within thirty (30) days from the date hereof.

DUDLEY, TOPPER  
AND FEUERZEIG, LLP  
1000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, U.S.V.I. 00804-0756  
(340) 774-4422

**INSTRUCTIONS FOR ANSWERING**

1. You are required, in responding to this request to obtain and furnish all information available (or available, upon demand) to you and any of your representatives, employees, agents, brokers, servants, or attorneys and to obtain and furnish all information that is in your possession or under your control, or in the possession or under the control of any of your representatives, employees, agents, servants or attorneys. In addition, "control" under Fed. R. Civ. P. 34 is broadly construed and, therefore, you are obligated to produce documents requested as long as you may have the legal right and/or ability to obtain the documents from another source on demand.
2. Each request which seeks information relating in any way to communications to, from, or within a business and/or corporate entity is hereby designated to demand, and should be construed to include, all communications by and between representatives, employees, agents and/or servants of the business and/or corporate entity.
3. Each request should be responded to separately. However, a document that is responsive to more than one request may, if the relevant portion is marked or indexed, be produced and referred to in a later response.
4. All documents produced shall be segregated and identified by the request to which they are primarily responsive. For any documents that are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner as to preserve and identify the file from which such documents were taken.
5. If you object to part of any request, please furnish documents responsive to the remainder of the request.
6. Each request refers to all documents that are either known by you to exist or that can be located or discovered by reasonably diligent efforts.
7. The documents produced in response to this request shall include all attachments, metadata, and enclosures.
8. The documents requested for production include those in the possession, custody, or control of you, your agents, representatives, or attorneys.
9. References to the singular include the plural.

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksborg Gate  
P.O. Box 758

St. Thomas, U.S.V.I. 00804-0758

(340) 774-4422

10. The use of any tense of any verb shall be considered also to include within its meaning all other tenses of the verb so used.
11. Please note that you are under a continuing duty to seasonably supplement the production with documents obtained subsequent to the preparation and filing of a response to each request.
12. All documents called for by any request for which you claim a privilege or statutory authority as a ground for non-production shall be listed chronologically as follows:
  - a) The place, date and manner of recording or otherwise preparing the document;
  - b) The name and title of the sender;
  - c) The identity of each person or persons (other than stenographic or clerical assistants) participating in the preparation of the document;
  - d) The identity of each person to whom the contents of the document have been communicated by copy, exhibition, sketch, reading or substantial summarization, the dates of such communication, and the employer and title of such person at the time of the communication;
  - e) Type of document;
  - f) Subject matter (without revealing the relevant information for which privilege or statutory authority is claimed); and
  - g) Factual and legal basis for claim, privilege or specific statutory or regulatory authority which provides the claimed ground for non-production.
13. Each request to produce a document or documents shall be deemed to call for the production of the original document or documents to the extent that they are in, or subject to, directly or indirectly, the control of the party to whom this request is addressed. In addition, each request should be considered as including a request for separate production of all copies and, to the extent applicable, preliminary drafts of documents that differ in any respect from the original or final draft or from each other (e.g., by reason of differences in form or content or by reason of handwritten notes or comments having been added to one copy of a document but not on the original or other copies thereof).
14. All documents produced in response to this request shall be produced notwithstanding the fact that portions thereof may contain information not requested.
15. If any documents requested have been lost or destroyed, the documents so lost or destroyed shall be identified by author, date and subject matter.
16. Where exact information cannot be furnished, estimated information is to be supplied to the extent possible. Where estimation is used, it should be so indicated, and an

explanation should be given as to the basis on which the estimate was made and the reason exact information cannot be furnished.

17. With respect to any document requested which was once in your possession, custody or control, but no longer is, please indicate the date the document ceased to be in your possession, custody or control, the manner in which it ceased, and the name and address of its present custodian.
18. Unless otherwise indicated, each request is to be construed as encompassing all documents which pertain to the stated subject matter and to events which transpired giving rise to this litigation up to the present.
19. Foreign language (i.e. in a language other than English) documents must be produced if the meaning and/or definition of the words in the document may cause the document to be responsive to any request. If you are in possession of English and foreign language versions of the same document, all versions of the document must be produced.

#### DEFINITIONS

A. For the purpose of these Requests, the following words shall have the meaning indicated below:

- A. The term "Waleed," "You" or "Your" shall mean Waleed Hamed, son of Mohammed Hamed, individually and in his role or acting in his capacity as agent for or with power of attorney for Hamed, as defined herein.
- B. The term "Hamed" shall mean Mohammed Hamed, the Plaintiff in this case.
- C. The term "Yusuf" shall mean Fathi Yusuf, a Defendant in this case.
- D. The term "United" shall refer to United Corporation, a Defendant in this case.
- E. The term "Plessen" shall refer to Plessen Enterprises, a Counterclaim Defendant in this case.
- F. The term "Criminal Case" shall refer to V.I. District Court Case No. 1:05-cr-00015-RLF-GWB.

- G. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside their scope.
- H. "Any/All" shall both mean any and all as appropriate in order to bring within the scope of these interrogatories information and documents which might otherwise be considered to be beyond their scope.
- I. "Document" as used herein shall mean any handwritten, typewritten, printed, transcribed, impressed, recorded or other physical or tangible embodiment of a communication within the scope of Fed. R. Civ. P. 34(a)(1), however produced or reproduced, now or at any time in your possession, custody or control, including but not limited to: letters, notes, preliminary drafts (including metadata), reports, spreadsheets, emails, electronic messages and/or online chats (i.e. twitter, facebook, blog, message), text messages, memoranda, interoffice communications, analyses, minutes, contracts, agreements, cables, telegrams, statements, entries, affidavits, briefs, pleadings, decrees, transcriptions, recordings, diagrams, charts, photographs, and articles, and any copies, facsimiles or reproductions of the foregoing, no matter how or by whom prepared, and all drafts prepared in connection with the foregoing. Without limitation of the term "control" as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual physical possession thereof. If any document requested was in your possession or subject to your control, but is no longer, state what disposition was made of it, and the date or dates on which such disposition was made.
- J. The term "communication" or "communications" means the written or oral transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- K. "Relating to" or "related to" means consisting of, referring to, describing, discussing, constituting, evidencing, containing, reflecting, mentioning, concerning, pertaining to, citing, summarizing, analyzing or bearing any logical or factual connection with the matter discussed.
- L. The words "pertain to" or "pertaining to" shall mean relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- M. "Company" or "entity" means any form of business whatever organized, including, without limitation, any corporation, sole proprietorship, partnership (general or

limited), joint venture, association, group, government agency, firm or other business enterprise or legal entity which is not a natural person, and means both the singular and plural.

N. "Define" when used with reference to a phrase or term, means (a) state the meaning of the phrase or term; and (b) identify each person known by Hamad to have personal knowledge regarding the meaning of such phrase or term upon whose testimony Hamad presently intends to rely at trial.

O. "Describe", means to explain fully by reference to underlying facts rather than conclusions of fact or law.

P. "Identify" means as follows:

(A) "Identify" and "identification" when used with reference to a natural person, means to state his or her (a) full name; (b) present business and/or residence address and telephone numbers; (c) present business affiliation, address, title or position; (d) if different from (c), the group, organization or business the person was representing at any time relevant to the answer to a specific Interrogatory; and (e) home address. If this information is not known, furnish such information as was last known.

(B) "Identify" and "identification" when used with reference to a business entity, means to state its (a) full name; (b) form or organization (e.g., corporation, partnership); (c) place of incorporation; and (d) address of its principal place of business. If this information is not known, furnish such information as was last known.

(C) "Identify" and "identification" when used with reference to an act, action, activity, omission or event, means to state (a) the identity of persons who participated in such act, action, activity, omission, or event; (b) the date and place of such act, action, activity, omission, or event in detail; and (c) the identity of each person having knowledge of the act, action, activity, omission, or event.

(D) "Identify" and "identification" when used in reference to a document, means to state (a) the type of document or some other means of identifying it (e.g., letter, memorandum, report, etc.); (b) its subject matter; (c) the identity of its author(s), signer(s), and any person who participated in its preparation; (d) the identity of each addressee or recipient; (e) the identity of each person to whom copies were sent and each person by whom copies were received; (f) its title and date; and (g) its present location and the identity of its custodian (if any such document was, but is no longer in, the possession of or subject to the control of the Defendants, state what and when disposition was made of it).

(E) "Identify" and "Identification" when used with reference to a conversation, oral communication, discussion, oral statement or interview, means (a) state the date upon which it took place; (b) identify each person who participated in it, witnessed it and/or overheard it; (c) state what was said by each such person, including the issues and matters discussed; and (d) identify each document which describes or relates to it.

- Q. "Individual" or "Person" means any natural person, including without limitation, an officer, director, employee, agent, representative, distributor, supplier, independent contractor, licensee or franchisee, and it includes any corporation, sole proprietorship, partnership, joint venture, group, government agency and agent, firm or other business enterprise or legal entity, which is not a natural person, and means both the singular and the plural.
- R. "Parties" as used herein shall be interpreted to refer to all parties to this litigation.
- S. "Person" includes a corporation, partnership or other business associate or entity, natural person and any government or governmental body, commission, board or agency.
- T. "Plaza Extra-East" refers to the Plaza Extra Store located at Sion Farm in St. Croix.
- U. "Plaza Extra-West" refers to the Plaza Extra Store located at Estate Plessen in St. Croix.
- V. "Plaza Extra -Tutu Park" refers to the Plaza Extra Store located in Tutu Park Mall, St. Thomas.
- W. "Plaza Extra Stores" refers to the three stores, Plaza Extra-East, Plaza Extra-West and Plaza Extra-Tutu Park.
- X. "2001 Partial Reconciliation" refers to the tallying of receipts and checks by Maher Yusuf and Mufeed Hamed relating to funds withdrawn by Yusuf and Hamed family members from Plaza Extra-East shortly before the raid by the FBI in the fall of 2001.
- Y. "Batch Plant" refers to a concrete plant that Yusuf and Hamed agreed to contributed \$1 million dollars to acquire and donate to charity.

As used in this demand for production, unless it is otherwise provided or the context requires a different meaning, words importing the singular include and apply to several persons or things; words importing the masculine gender include the feminine; words used in the present tense include the future.

Documents must be catalogued by number to correspond to the appropriate request.

Whenever you wish to object for any reason to a request, you shall state the nature of your objections, identify the subject matter to which your objection pertains, and cite the legal rule upon which you rely in effecting your objection.



**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please produce any and all documents identified in your responses to the Requests for Admission and Interrogatories served simultaneously herewith.
2. Please produce all information required by Fed. R. Civ. P. 26(a).
3. Please produce all documents relating to how proceeds or profits from the Plaza Extra Stores were distributed to you and your family members from January 1, 1986 to date.
4. Please produce all documents relating to the removal, transfer, subsequent transfer and use of funds from any of the Plaza Extra Accounts by you and your family members, other than salaries or direct reimbursements of costs.
5. Please produce all documents relating to any defense you intend to assert with respect to the claims made against you in this case.
6. Please produce all documents relating to each exhibit you intend to introduce into evidence at the trial of this case.

**DUDLEY, TOPPER and FEUERZEIG, LLP**

Dated: August 27, 2014

By:



Charlotte K. Perrell (V.I. Bar No. 1281)  
1000 Frederiksberg Gade - P.O. Box 756  
St. Thomas, VI 00804  
Telephone: (340) 715-4405  
Telefax: (340) 715-4400  
E-mail: [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)

and

Nizar A. DeWood, Esq. (V.I. Bar No. 1177)  
The DeWood Law Firm  
2006 Eastern Suburbs, Suite 101  
Christiansted, VI 00830  
Telephone: (340) 773-3444  
Telefax: (888) 398-8428  
Email: [info@dewood-law.com](mailto:info@dewood-law.com)

Attorneys for Fathi Yusuf and United Corporation

**DUDLEY, TOPPER  
AND FEUERZEIG, LLP**

1000 Frederiksberg Gade

P.O. Box 756

St. Thomas, U.S. V.I. 00804-0750

(340) 774-4422

**CERTIFICATE OF SERVICE**

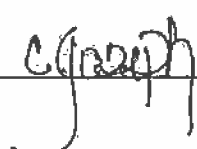
I hereby certify that on this 27<sup>th</sup> day of August, 2014, I caused the foregoing Fathi Yusuf's Second Requests For Production Of Documents To Waleed Hamed to be served upon the following in the manner indicated for each:

Joel H. Holt, Esq. (via Hand Delivery)  
**LAW OFFICES OF JOEL H. HOLT**  
2132 Company Street  
Christiansted, V.I. 00820  
Email: [holtvi@aol.com](mailto:holtvi@aol.com)

Carl Hartmann, III, Esq. (via E-mail)  
5000 Estate Coakley Bay, #L-6  
Christiansted, VI 00820  
Email: [carl@carlhartmann.com](mailto:carl@carlhartmann.com)

Mark W. Eckard, Esq. (via Hand Delivery)  
Eckard, P.C.  
#1 Company Street  
Christiansted, VI 00824  
Email: [mark@markeckard.com](mailto:mark@markeckard.com)

Jeffrey B.C. Moorhead, Esq. (via E-mail)  
C.R.T. Building  
1132 King Street  
Christiansted, VI 00820  
Email: [jeffreymlaw@yahoo.com](mailto:jeffreymlaw@yahoo.com)



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IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

MOHAMMAD HAMED, by his  
authorized agent WALEED HAMED,  
  
*Plaintiff/Counterclaim Defendant,*

vs.

FATHI YUSUF and  
UNITED CORPORATION,  
  
*Defendants/Counterclaimants,*

vs.

WALEED HAMED, WAHEED  
HAMED, MUFEEED HAMED,  
HISHAM HAMED,  
and PLESSEN ENTERPRISES, INC.,  
  
*Counterclaim Defendants.*

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF AND  
DECLARATORY RELIEF

JURY TRIAL DEMANDED

NOTICE OF DISCOVERY RESPONSES

MOHAMMAD HAMED gives notice of filing the following discovery responses:

- Mohammad Hamed's Responses to Defendants' August 27, 2014 Requests for Documents
- Mohammad Hamed's Responses to Defendants' August 27, 2014 Request to Admit

Dated: September 26, 2014

  
Joel H. Holt, Esq.

for Mohammad Hamed  
2132 Company Street  
St. Croix, VI 00820  
(340) 773-8709  
holtvi@aol.com

Carl J. Hartmann III, Esq.  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
Telephone: (340) 719-8941  
Email: carl@carlhartmann.com

EXHIBIT

B

**CERTIFICATE OF SERVICE**

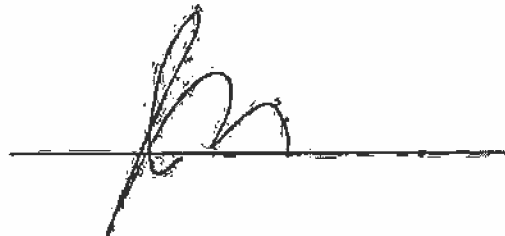
I hereby certify that on this 26<sup>th</sup> day of September 2014, I served a copy of the foregoing in compliance with the parties consent, pursuant to Fed. R. Civ. P. 5(b)(2)(E), by electronic service of this document:

**Nizar A. DeWood, Esq.**  
The DeWood Law Firm  
2006 Eastern Suburb, Suite 101  
Christiansted, VI 00820  
Email: dewoodlaw@gmail.com

**Gregory H. Hodges, Esq.**  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
Email: ghodges@dtflaw.com

**Mark Eckard, Esq.**  
Eckard, PC  
P.O. Box 24849  
Christiansted, VI 00824  
Email: mark@markeckard.com

**Jeffrey B.C. Moorhead, Esq.**  
*Counsel for Plessen Enterprises, Inc.*  
C.R.T. Building  
1132 King Street,  
Christiansted, VI 00820  
Email: jeffreymlaw@yahoo.com





2. Admit that you did not file tax returns for 1997 through 2012 until 2013, despite receiving income from the Plaza Extra Stores during that time.

It is admitted that tax returns were not filed for the years in question until 2013, but all taxes for those years have been deemed paid in full by the IRB as noted in the letters it provided that were produced in discovery. Moreover, the filings were made in the manner allowed by the same settlement in which the Yusufs participated.

3. Admit that you have never paid taxes on the income you received from the Plaza Extra Stores for 1997 through 2012. . Moreover, the payments were made in the manner allowed by the same settlement in which the Yusufs participated.

Deny. All taxes for those years have been deemed paid in full by the IRB as noted in the letters it provided that were produced in discovery. Moreover, the filings were made in the manner allowed by the same settlement in which the Yusufs participated.

4. Admit that you did not report all of the income you received from the Plaza Extra Stores for the tax years 1986 through 1996.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied. Moreover, Fathi Yusuf has stated in discovery that neither he nor his accountants have his returns for a representative year during this period either.

5. Admit that you filed tax returns for the tax years 1983 through 1996 which you knew under reported your income for those years.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied. Moreover, Fathi Yusuf has stated in discovery that neither he nor his accountants have his returns for a representative year during this period either.

6. Admit that you have not corrected any errors on your 1983 through 1996 tax returns regarding the additional income received from the Plaza Extra Stores but not declared for those years.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied. Moreover, Fathi Yusuf has stated in discovery that neither he nor his accountants have his returns for a representative year during this period either.

7. Admit that you or your sons removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.

Deny, as Yusuf was always notified under the system we used of any such removal.

8. Admit that you or your sons never removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.

Admit, although as Mike Yusuf has testified, many of such records were mutually, intentionally destroyed by him and others.

9. Admit that you or your sons could remove funds from the safes at the Plaza Extra Stores without making any record of it.

Deny, as everyone was required to follow the process of recoding all such withdrawals, although as Mike Yusuf has testified, many of such records were mutually, intentionally destroyed by him and others.

10. Admit that you or your sons could remove funds from the safes at the Plaza Extra Stores without advising anyone.

Deny, as everyone was required to follow the process of recoding all such withdrawals, although as Mike Yusuf has testified, many of such records were mutually, intentionally destroyed by him and others.

11. Admit that records relating to the funds removed from the Plaza Extra Stores by Hamed family members were destroyed, discarded or secreted by you or your sons.

Deny, as no records were discarded except by mutual consent with the Yusufs after accountings were done from time to time, as Mike Yusuf has testified, many of such records were mutually, intentionally destroyed by him and others.

12. Admit that none of the records relating to the funds removed from the Plaza Extra Stores by the Hamed family members were destroyed, discarded or secreted by you or your sons.

Deny, as no records were discarded except by mutual consent with the Yusufs after accountings were done from time to time, as Mike Yusuf has testified, many of such records were mutually, intentionally destroyed by him and others.

13. Admit that you and your sons have always had access to all of the financial records for all three Plaza Extra Stores.

Deny. Fathi Yusuf was in charge of all such records. In 2001 the records were seized by the FBI and were not made available to us for several years, although we had full access to them again by 2003. Then, after the criminal pleas were entered, Fathi Yusuf hired accountants who kept the records from us until we obtained a court order in 2014 to gain access again to these records. Even now there is a delay between the generation of the records and our receipt of them.

14. Admit that Hamed and Yusuf always kept separate, segregated books and accounts for each of the three Plaza Extra Stores and kept a detailed accounting open to both partners for the expenses and profits of the Plaza Extra Stores wholly separate from the unrelated business operations of United in its operation of the United Shopping Center.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. To the extent it is understood, United's operations were not separated from the business operations of Plaza, as Plaza paid many of United's expenses, so this request is denied.

15. Admit that you know the total amount your and your sons have withdrawn from the Plaza Extra Stores inclusive of salaries and documented bonuses. Nor have we been able to obtain answers to this question from the Yusufs or United in discovery.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied. Nor have we been able to obtain answers to this question from the Yusufs or United in discovery.

16. Admit that you do not know the total amount Yusuf and his sons have withdrawn from the Plaza Extra Stores apart from salaries and documented bonuses.

Admit:

17. Admit that you have not done an accounting as to the funds taken by you and your sons from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.

This request is objected to as ambiguous, as the term "accounting" is too ambiguous to comprehend in determining what Plaintiff is being asked to admit. Indeed, to the extent this request is understood, an accounting of funds would have been made from time to time between the Hameds and Yusufs, although it is admitted that it is currently not possible to recreate amounts due to the passage of time and lack of records. Nor have we been able to obtain answers to this question from the Yusufs or United in discovery.

18. Admit that you have not done an accounting as to the funds taken by Yusuf and his sons from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.

This request is objected to as ambiguous, as the term "accounting" is too ambiguous to comprehend in determining what Plaintiff is being asked to admit. Indeed, to the extent this request is understood, an accounting of funds would have been made from time to time between the Hameds and Yusufs, although it is admitted that it is currently not possible to recreate amounts due to the passage of time and lack of records. Nor have we been able to obtain answers to this question from the Yusufs or United in discovery.



19. Admit that any monies or assets you have acquired individually came from funds withdrawn from the Plaza Extra Stores.

Deny. Indeed, the Plaintiff had several businesses before the Plaza Extra partnership began. Moreover, Plaintiff receives funds from social security.

20. Admit that you and your sons withdrew monies from the Plaza Extra Stores without advising Yusuf or his sons.

Deny, as notice was always given in writing when funds were withdrawn, though as Mike Yusuf testified, receipts were intentionally, mutually destroyed by him and others.

21. Admit that you and your sons have withdrawn more monies from the Plaza Extra Stores than Yusuf and his sons.

Deny, as the Yusufs have withdrawn more money than the Hameds as noted by the \$2,700,000 unilaterally taken by the Yusufs in 2012 giving rise to this case as well as funds paid to Joseph DiRuzzo, also, funds used by United to pay for insurance and gross receipts taxes on its properties.

22. Admit that the \$536,405 check dated April 29, 1998 made payable to you from the Cairo Amman Bank, Account #02501171878-00 was Plaza Extra Store funds and that you have never accounted to Yusuf for the disposition of these funds.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. To the extent it is understood, it is admitted that Plaintiff has always provided a full accounting to Fahti Yusuf from time to time, as requested over the years as agreed by the parties. However, as to this specific inquiry about the \$536,405 check, after reasonable inquiry, this request cannot be fully responded to due to the passage of time and the lack of records for that time period. Hence, it is denied.

23. Admit that when Plaza Extra-East first opened for business, you agreed with Yusuf that rent would be paid to United based on the price of \$5.55 per square foot occupied.

Deny, as no such agreement was ever reached.

24. Admit that no rent has been paid by Plaza Extra-East to United for the period from January 1, 1994 through May 4, 2004.

Deny, as rent was paid in cash to Fathi Yusuf as he requested from time to time.

25. Admit that rent for Plaza Extra-East was never paid in cash.

Deny, as rent was always paid in cash until 2012.

26. Admit that you are responsible to Yusuf for all actions Waleed took as your agent.

This request is objected to as ambiguous, as the term "all actions" is too broad and ambiguous to comprehend in determining what Plaintiff is being asked to admit. Moreover, it seeks a conclusion of law and is therefore denied. Subject to those reservations, it is denied.

27. Admit that you are responsible to account to Yusuf for all funds withdrawn from the Plaza Extra Stores by you and your sons.

This request is objected to as ambiguous, as the term "are responsible" is too broad and ambiguous to comprehend in determining what Plaintiff is being asked to admit. To the extent this request is understood, it is denied, as Plaintiff has already done so over the years from time to time, so no further accounting is needed on those items.

28. Admit that Hamed and Yusuf have scrupulously maintained records of withdrawals from the Plaza Extra Stores to each of them (and their respective family members), to make certain there would always be an equal (50/50) amount of these withdrawals for themselves or to designated family members.

This request is objected to as ambiguous, as the term "scrupulously" is overly broad in order to comprehend in determining what Plaintiff is being asked to admit. To the extent this request is understood, the intent has always been to document all withdrawals by each family member to make sure the withdrawals/expenditures are 50/50. The only time that there was a different action, the Hameds informed the Yusufs -- which began in 2012, leading to this lawsuit.

29. Admit that an accurate and complete accounting can be given as to the withdrawals.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

**Dated:** September 26, 2014



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**CERTIFICATE OF SERVICE**

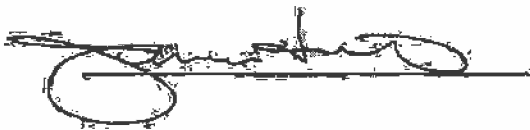
I hereby certify that on this 26<sup>th</sup> day of September, 2014, I served a copy of the foregoing Responses to Requests for Admissions by email, as agreed by the parties, on: \_\_\_\_\_

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A handwritten signature in black ink, appearing to read "Jeffrey B. C. Moorhead", is written over a horizontal line.

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

**MOHAMMAD HAMED**, by his  
authorized agent **WALEED HAMED**,  
  
*Plaintiff/Counterclaim Defendant,*

vs.

**FATHI YUSUF** and  
**UNITED CORPORATION**,

*Defendants/Counterclaimants,*

vs.

**WALEED HAMED, WAHEED  
HAMED, MUFEED HAMED,  
HISHAM HAMED,  
and PLESSEN ENTERPRISES, INC.,**

*Counterclaim Defendants.*

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

**ACTION FOR DAMAGES  
INJUNCTIVE RELIEF AND  
DECLARATORY RELIEF**

**JURY TRIAL DEMANDED**

**PLAINTIFF MOHAMMAD HAMED'S RESPONSES  
TO DEFENDANTS' 8/27/14 REQUESTS FOR DOCUMENTS**

**GENERAL OBJECTIONS**

Mohammad Hamed makes the following general objections to the Requests. Although these general objections apply to all of the Requests, for convenience, they are set forth herein and are not necessarily repeated after each objectionable request. The assertion of the same, similar or additional objections in the individual objections to these Request, or the failure to assert any additional objections to a request does not waive any of the objections as set forth below:

1. Mohammad Hamed objects to each Request that seeks information that is not relevant to the claims asserted against him in this case.

2. Mohammad Hamed objects to each Request to the extent it seeks the disclosure or production of documents or information protected by the attorney-client, work product or other privileges.

3. Mohammad Hamed objects to each Request that seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

4. The information sought by the Requests may be as much as twenty-seven (27) years old. Documents that may be contained information relevant to the Requests may no longer be in existence. Thus any information provided herein may not be, and should not be considered complete, and may be subject to supplementation if additional information becomes available.

5. Mohammad Hamed objects to defined terms and instructions to the extent that they vary from applicable law and/or impose different objections than those set forth in the Federal Rules of Civil Procedure.

## RESPONSES

Plaintiff Mohammad Hamed responds to requests for documents served on him on August 27, 2014 as follows:

*1. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts, you have or had at any bank or financial institution anywhere in the world from 1986 through the present.*

**Response to RFPD 1:** In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. I also object to the request as stated, as it is confusing as worded. Subject to these objections, please see the attached **Exhibit A - List of Documents Produced.**

*2. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts in the name of any of your children, wife, parents, brothers, and any other third parties at any bank or financial institution anywhere in the world in which you have or had any legal or equitable interest from January 1, 1986 to date.*

**Response to RFPD 2:** At one time, I did have a joint account or two with Fathi Yusuf in Jordan. Those statements, however, were sent directly to Mr. Yusuf and not to me. I have not financial records in my possession that are responsive to this request.

*3. Please produce all documents provided to your accountants from January 1, 1986 to date either for the preparation of tax returns, bookkeeping services, the preparation of financial statements, or loan applications.*

Response to RFPD 3: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. I also object to the request as stated, as it is confusing as worded. Subject to those objections, to the extent I understand this request, I have no such records for the tax years prior to 2002, although some of those records were seized by the FBI for some of the years prior to that, which records have been made available to you so that you have the same access to them as I do. Please see the attached **Exhibit A - List of Documents Produced**.

*4. Please produce all statements from any brokerage or other accounts, including online based accounts, issued from January 1, 1986 to present pertaining to any stocks, bonds, stock options, debentures, mutual funds or other financial investments in which you or Hamed have or had any interest.*

Response to RFPD 4: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. I also object to the request as stated, as the term "financial investment" is vague and not capable of clear understanding as to what was intended to be covered. Subject to these objections, to the extent this request is understood, I have attached the documents that are in my possession (please see the attached **Exhibit A - List of Documents Produced**). I know that some documents fitting the description of items covered by this request were seized by the FBI, which records have been made available to you so that you have the same access to them as I do.

*5. Please produce all documents relating to any cash withdrawn by the Partners from the Plaza Extra Stores from January 1, 1986 to date including all documents relating to what was done with such cash.*

Response to RFPD 5: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, I have attached those documents in my possession (please see the attached **Exhibit A - List of Documents Produced**). I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do, although the removal of cash by the partners prior to 2002 often did not involve the retention of such records, as Mike Yusuf testified in his deposition.

*6. Please produce all documents relating to any cash withdrawn by any of*

*the Hamed family members from the Plaza Extra Stores from January 1, 1986 to date including all documents relating to what was done with such cash.*

Response to RFPD 6: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, I have attached those documents in my possession (please see the attached **Exhibit A - List of Documents Produced**). I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do, although the removal of cash by the family members prior to 2002 often did not involve the retention of such records, as Mike Yusuf testified in his deposition.

*7. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to the Partners or to third parties on their behalves from January 1, 1986 to date including all documents relating to what was done with such funds.*

Response to RFPD 7: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, I have attached those documents in my possession (please see the attached **Exhibit A - List of Documents Produced**). I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do.

*8. Please produce all documents relating to any checks or wire transfers from any Plaza Extra Accounts to you, Hamed family members or to third parties on you or your sons behalves from January 1, 1986 to date including all documents relating to what was done with such funds.*

Response to RFPD 8: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, I have attached those documents in my possession (please see the attached **Exhibit A - List of Documents Produced**). I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do.

*9. Please produce all documents relating to any rent paid by or due from the Partnership for the Plaza Extra - East premises from January 1, 1986 to date including rent calculations, accounting records evidencing rent payments or rent due, claims or demands for rent, and rent payments.*

Response to RFPD 9: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, I have attached those documents in my possession (please see the attached **Exhibit A - List of Documents Produced**). I know that some documents covered by this request prior to 2002 may have been seized by the FBI, which records have been made available to you so that you have the same access to them as I do to the extent any such records exist. However, rent was generally paid in cash to Fathi Yusuf as the owner of United's Corporation so he could avoid paying taxes on it.

*10. Please produce all documents either supporting, undermining, or relating to any of the statements and information set forth in the letter from Yusuf to Hamed dated August 15, 2012 identified at FY004123-FY004210.*

Response to RFPD 10: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as too vague and confusing to comprehend what documents are being sought. To the extent this request is understood, those documents are attached (please see **Exhibit A - List of Documents Produced**).

*11. Please produce all documents relating to any documents removed from the Plaza Extra Stores prior to the FBI raid in 2001 including any documents pertaining to the destruction of receipts or other documents.*

Response to RFPD 11: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. Subject to these objections and to the extent this request is understood, I have no such records in my possession. I know that some documents covered by this request prior to 2002 may have been seized by the FBI, which records have been made available to you so that you have the same access to them as I do to the extent any such records exist. The only document I am aware of regarding the destruction of records is the corporate deposition of United Corporation that is equally available to you where Mike Yusuf talks about destroying records.

*12. Please produce all documents relating to any claim Hamed may have with respect to stock losses allegedly caused by Yusuf including all documents reflecting checks deposited into any account used by Yusuf to generate such losses.*

Response to RFPD 12: The documents I have are attached, which will be supplemented when others are obtained (please see the attached **Exhibit A - List of Documents Produced**).



*13. Please produce all documents relating to any claim you may have with respect to expenses incurred in the Criminal Case including all documents reflecting checks issued from the Plaza Extra Accounts to pay such expenses.*

Response to RFPD 13: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly harassing. Subject to that objection, please see the attached **Exhibit A - List of Documents Produced**.

*14. Please produce all documents relating to the acquisition, improvement, cost of construction, and market value of all real estate in which you have or had an ownership interest from January 1, 1986 to date including documents pertaining to the source of funds for acquisition and improvement.*

Response to RFPD 14:

*15. Please produce all documents relating to the "Black Book" and any pages missing from that document.*

Response to RFPD 15: The "Black Book" was apparently removed from the place it was being stored (along with other items returned by the FBI) by the Yusufs without my knowledge, who also apparently removed the pages, so other than what the Yusufs produced in discovery, no such documents exist under my control, nor have I been able to locate the missing pages.

*16. Please produce all documents the source of funds for the cash portion of the preliminary injunction bond posted in this case.*

Response to RFPD 16: Object to as seeking irrelevant information that is not likely to lead to discoverable information. Notwithstanding this objection, to the extent I could locate such documents, copies of documents I have access to that are responsive to this request have been requested from the bank and will be supplied.

*17. Please produce all documents relating to the source of funds for the acquisition and operation of the businesses known as Five Corners and Five-H Holdings, Inc. including all documents pertaining to the organization, existence, and ownership of such businesses.*

Response to RFPD 17: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. It is also objected to as seeking information that is not relevant and not likely to lead to relevant evidence. Finally, it is objected to as seeking information related to another suit, which is an improper use of discovery. This request is also objected to as too vague and confusing to comprehend

what documents are being sought as far as the "acquisition" of the corporation is concerned. Notwithstanding these objections, to the extent this request is understood and without waiving any objections raised, please see the attached **Exhibit A - List of Documents Produced**.

*18. Please produce any financial statements prepared by or for you from January 1, 1986 to date.*

Response to RFPD 18: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to these objections, I am trying to locate any such documents and if located, they will be supplied.

*19. Please produce all documents relating to the acquisition, improvement, cost of construction, and market value of all real estate in which you have or had an ownership interest from January 1, 1986 to date including all documents pertaining to the source of funds for acquisition and improvement.*

Response to RFPD 19: This request is a duplicate of request number 14. Please see the response to request number 14.

*20. Please produce all documents reflecting payment of United's insurance and Gross Receipts Taxes from Plaza Extra Accounts from January 1, 1986 to date including checks issued for such payment.*

Response to RFPD 20: Object to as seeking irrelevant information that is not likely to lead to discoverable information for the time period prior to 2006. Notwithstanding this objection, to the extent I could locate such documents, they are attached (please see **Exhibit A - List of Documents Produced**).

*21. Please produce all documents generated in or relating to the Criminal Case that pertain to your or your sons' receipt of money in the form of cash, checks or wire transfers from the Plaza Extra Stores or the Plaza Extra Accounts from January 1, 1986 to date.*

Response to RFPD 21: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, I have no such records in my possession. I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do.

*22. Please produce all documents relating to how proceeds or profits from the Plaza Extra Stores were distributed to you and your family members from January 1, 1986 to date.*

Response to RFPD 22: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, please refer to the responses to RFPDs numbers five and six. I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do. Other documents may also be in the possession of the joint criminal counsel attorneys which are also equally available to you.

*23. Please produce all documents relating to the removal, transfer, subsequent transfer and use of funds from any of the Plaza Extra Accounts by you and your family members, other than salaries or direct reimbursements of costs.*

Response to RFPD 23: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, please refer to the responses to RFPDs numbers five and six. I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do. Other documents may also be in the possession of the joint criminal counsel attorneys which are also equally available to you.

*24. Please produce all documents relating to any claims or counterclaims you may have against Yusuf and United for any type of relief including, but not limited to, money damages.*

Response to RFPD 24: I have not filed a counterclaim in this case. Regarding other claims, I have a suit pending against the Defendants filed by Lee Rohn. To the extent this request seeks those documents, I object to the Defendants using this case to get materials related to that case, as it would be an ex parte communication to seek such materials without going through Attorney Rohn.

*25. Please produce all documents relating to all defenses or offsets you have or may have with regard to the claims of Yusuf and United.*

Response to RFPD 25: This request is objected to as too vague and confusing to comprehend what documents are being sought, as the term "defenses" is a legal term for my counsel to address, which is why I have counsel since I am not a trained lawyer. Also, this request is objected to as seeking information protected by the work product rule. Notwithstanding this objection, to the extent this request is understood and without waiving any objections raised, Hamed is the plaintiff in this action. Plaintiff has made claims for declaration of a partnership, which has been conceded. All documents of record and documents submitted as exhibits with regard to that dispute meet this request and are in the possession of the defendants. To the extent that additional

documents on this claim are requested, they are denied as the issue has been conceded. Plaintiff has also detailed several post-2006 claims (e.g., \$2.7 million stolen by Yusuf in 2012, \$500,000 stolen by Yusuf to pay his attorneys, funds for gross receipt taxes and insurance taken by United, etc.). Documents responsive to request regarding these claims have been provided. Thus, Plaintiff objects to the repetitive and overly broad nature of this request.

*26. Please produce all documents relating to all amounts which you and your family members have taken from the Plaza Extra Stores or Plaza Extra Accounts beyond salaries from January 1, 1986 to date.*

Response to RFPD 26: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. Subject to these objections and to the extent this request is understood, please refer to the responses to RFPDs numbers five and six. I know that some documents covered by this request prior to 2002 may have been seized by the FBI, which records have been made available to you so that you have the same access to them as I do to the extent any such records exist. Another document I am aware of regarding the destruction of records is the corporate deposition of United Corporation that is equally available to you where Mike Yusuf talks about destroying records.

*27. Please produce all documents relating to all funds removed by you or your family from the Plaza Extra Stores or Plaza Extra Accounts that were used to buy real estate or other assets, and list all assets purchased, form of ownership, the date of purchase and the percentile owners at that time and now.*

Response to RFPD 27: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. Finally, the request to "list all assets purchased, form of ownership, the date of purchase and the percentile owners at that time and now" is an interrogatory, not a request for the production of documents. Subject to these objections and to the extent this request is understood, I have no such records in my possession, although there are deeds recorded in the Virgin Islands and Jordan for property jointly owned by the Hameds and the Yusufs, which documents containing the information sought are equally available to you. I know that some documents covered by this request prior to 2002 may have been seized by the FBI, which records have been made available to you so that you have the same access to them as I do to the extent any such records exist. The only document I am aware of regarding the destruction of records is the corporate deposition of United Corporation that is equally available to you where Mike Yusuf talks about destroying records.

*28. Please produce all documents relating to all investigations, reports,*

*studies, surveys, valuations or expert advice obtained by you and your family with regard to the Plaza Extra Stores from January 1, 2011 to date.*

Response to RFPD 28: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. I also object to this request to the extent it seeks items covered by the work product of counsel and trial strategy, which is not discoverable under Rule 34. Finally, to the extent this request calls for information provided to expert witnesses, this request is also objected pursuant to Rule 26, which protects such disclosures. Subject to these objections and to the extent this request is understood, I have no such documents.

*29. Please produce all documents relating to all witnesses you or your family have interviewed and may or will call at trial in this matter. Provide all witness statements, notes and information provided by them to you.*

Response to RFPD 29: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. I also object to this request to the extent it seeks items covered by the work product of counsel and trial strategy, which is not discoverable under Rule 34. Finally, to the extent this request calls for information provided to expert witnesses, this request is also objected to pursuant to Rule 26, which protects such disclosures. Subject to these objections and to the extent this request is understood, I have no such documents.

*30. Please produce all accountings, valuations or other information pertaining to the valuation or division of the Plaza Extra Stores.*

Response to RFPD 30: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. I also object to this request to the extent it seeks items covered by the work product of counsel and trial strategy, which is not discoverable under Rule 34. Finally, to the extent this request calls for information provided to expert witnesses, this request is also objected pursuant to Rule 26, which protects such disclosures. Subject to these objections and to the extent this request is understood, I have no such documents.

*31. Please produce all records kept by you and your family for keeping track of withdrawals and amounts due to the Hameds or Yusufs from January 1, 1986 through December 31, 2003.*

Response to RFPD 31: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome,

unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. Subject to these objections and to the extent this request is understood, please refer to the responses to RFPDs numbers five and six. I know that some documents covered by this request prior to 2002 may have been seized by the FBI, which records have been made available to you so that you have the same access to them as I do to the extent any such records exist. The only document I am aware of regarding the destruction of records is the corporate deposition of United Corporation that is equally available to you where Mike Yusuf talks about destroying records.

*32. Please produce the financial documents for all accounts and transactions on those accounts for Sixteen Plus and Plessen Enterprises, Inc.*

Response to RFPD 32: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. The attorney for the corporations (Beckstedt), and Fathi Yusuf have most of these documents as well as the accounting employees at the Plaza stores, which information is equally available to you. The entire body of documents seized by the U.S. Government may contain some of these requested documents, which Fathi Yusuf has the access to as do I.

*33. Please produce all documents supporting any claims of Hamed against United.*

Response to RFPD 33: United is the landlord for Plaza Extra-East supermarket. Aside from that, it is holding funds taken by the Yusufs in the so-called profits accounts, which involve the following: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to that, documents for each of plaintiff's claims have been provided. Defendants have conceded the existence of the partnership. As set forth in Plaintiff's expert report, which has been supplied previously, the damages for Hamed's half are reflected in the 2013 and 2014 accounts of Plaza Extra supermarkets, as supplied therewith. As to plaintiff's additional claims, he has provided documents separately with regard to the \$2.7 million taken by the Yusufs, the \$500,000+ taken by Mr. Yusuf and paid to Attorney DiRuzzo, the \$800,000+ due for Dorthea, taxes and attorneys' fees paid on account of Fathi Yusuf's wrongdoing, as well as portions of gross receipt taxes and insurance amounts also set forth detail in exhibits to the expert's report (plaintiff's claims also the \$15 million+ of trading losses occasioned by Fathi Yusuf after he was instructed not to use business funds for trading options).

*34. Please produce all documents supporting any claims of Hamed against Yusuf.*

Response to RFPD 34: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to that, documents for each of plaintiff's claims have been provided. Defendants have conceded the existence of the partnership. As set forth in Plaintiff's expert report, which has been supplied previously, the damages for Hamed's half are reflected in the 2013 and 2014 accounts of Plaza Extra supermarkets, as supplied therewith. As to plaintiff's additional claims, he has provided documents separately with regard to the \$2.7 million taken by the Yusufs, the \$500,000+ taken by Mr. Yusuf and paid to Attorney DiRuzzo, the \$800,000+ due for Dorthea, taxes and attorneys' fees paid on account of Fathi Yusuf's wrongdoing, as well as portions of gross receipt taxes and insurance amounts also set forth detail in exhibits to the expert's report (plaintiff's claims also the \$15 million+ of trading losses occasioned by Fathi Yusuf after he was instructed not to use business funds for trading options).

*35. Please produce all documents relating to any defense you intend to assert with respect to the claims made against you in this case.*

Response to RFPD 35: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. I also object to this request to the extent it seeks items covered by the work product of counsel and trial strategy, which is not discoverable under Rule 34. Finally, to the extent this request calls for information provided to expert witnesses, this request is also objected pursuant to Rule 26, which protects such disclosures. Subject to these objections and to the extent this request is understood, I have supplied documents responsive to the only claim by United, which remains with regards to rents owed for the period prior to 2002 and after 2011. With regard to Yusuf's claims that Hameds' took unequal and unauthorized funds, that is denied and no such documents exist. The documents which would have been relevant to this were the accounting documents for Plaza Extra supermarkets prior to 2012, which apparently have been lost, destroyed, or otherwise made unavailable as these have been requested from Fathi Yusuf and United, who were in charge of the office functions, including accounting. This is set forth in more detail in the expert report of the accountant, David Jackson, which has already been provided to the defendants.

*36. Please produce all documents relating to each exhibit you intend to introduce into evidence at the trial of this case.*

Response to RFPD 36: In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. I also object to this request to the extent it seeks items covered by the work product of counsel and trial strategy, which is not discoverable under Rule 34. Finally, to the extent this request

calls for information provided to expert witnesses, this request is also objected pursuant to Rule 26, which protects such disclosures. Subject to these objections and to the extent this request is understood, I have no such documents.

**Dated:** September 26, 2014



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for Mohammad Hamed  
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Email: carl@carlhartmann.com



**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of September, 2014, I served a copy of the foregoing Responses and documents by email, as agreed by the parties, on:

**Mark W. Eckard**

Eckard, P.C.  
P.O. Box 24849  
Christiansted, VI 00824  
mark@markeckard.com

**Nizar A. DeWood**

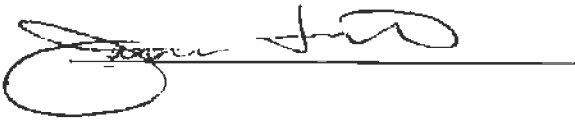
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**Jeffrey B. C. Moorhead**

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A handwritten signature in black ink, appearing to read "Jeffrey Moorhead", is written over a horizontal line. The signature is stylized and cursive.

**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
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Bate Range	RFPD No.
HAMD595213-HAMD595220	1
HAMD610635-HAMD610635	3
HAMD610640-HAMD610640	3
<b>Documents Previously Produced - Not Included in this Production</b>	
HAMD593818-HAMD593818	1
HAMD203415-HAMD203415	1
HAMD594215-HAMD594246	1
HAMD594677-HAMD594678	1
HAMD593825-HAMD593825	1
HAMD593821-HAMD593821	1
HAMD594189-HAMD594214	1
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HAMD355301-HAMD355344	4
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HAMD223584-HAMD223588	4
HAMD545683-HAMD545720	4
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HAMD358329-HAMD358374	4
HAMD492688-HAMD492733	4
HAMD545553-HAMD545596	4
HAMD545597-HAMD545642	4

**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
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Bate Range	RFPD No.
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HAMD223589-HAMD223593	4
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YUF101658-YUF101658	6

**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
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YUF101564-YUF101564	6
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**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
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**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
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<b>Bate Range</b>	<b>RFPD No.</b>
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**Mohammad Hamed**  
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**Mohammad Hamed**  
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Bate Range	RFPD No.
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HAMD439122-HAMD439127	12
HAMD398181-HAMD398186	12
HAMD445327-HAMD445327	12



**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
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<b>Bate Range</b>	<b>RFPD No.</b>
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HAMD445373-HAMD445373	12
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HAMD445703-HAMD445703	12
HAMD204778-HAMD204779	12
HAMD445353-HAMD445353	12
HAMD205359-HAMD205364	12
HAMD205305-HAMD205308	12

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<b>Bate Range</b>	<b>RFPD No.</b>
HAMD445680-HAMD445680	12
HAMD338482-HAMD338482	12
HAMD445592-HAMD445592	12
HAMD445753-HAMD445753	12
HAMD445691-HAMD445691	12
HAMD445708-HAMD445708	12
HAMD445682-HAMD445682	12
HAMD292449-HAMD292454	12
HAMD354776-HAMD354783	12
HAMD445654-HAMD445654	12
HAMD445738-HAMD445738	12
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HAMD445657-HAMD445657	12
HAMD204227-HAMD204230	12
HAMD445317-HAMD445317	12
HAMD255711-HAMD255718	12
HAMD211063-HAMD211066	12
HAMD398163-HAMD398168	12
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HAMD205277-HAMD205280	12
HAMD445311-HAMD445311	12
HAMD211003-HAMD211012	12
HAMD219279-HAMD219284	12
HAMD449163-HAMD449433	12
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HAMD204292-HAMD204297	12
HAMD403875-HAMD403886	12
HAMD403953-HAMD403960	12

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Bate Range	RFPD No.
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HAMD354566-HAMD354603	12
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HAMD204336-HAMD204337	12
HAMD404342-HAMD404358	12
HAMD211151-HAMD211157	12
HAMD472737-HAMD472737	12
HAMD398155-HAMD398162	12
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HAMD210907-HAMD210908	12
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HAMD445312-HAMD445312	12
HAMD218642-HAMD218645	12
HAMD404327-HAMD404341	12
HAMD445651-HAMD445651	12
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HAMD445724-HAMD445724	12
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HAMD204208-HAMD204212	12
HAMD254242-HAMD254247	12
HAMD204344-HAMD204345	12
HAMD445304-HAMD445304	12
HAMD403845-HAMD403858	12

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<b>Bate Range</b>	<b>RFPD No.</b>
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HAMD205141-HAMD205142	12
HAMD204231-HAMD204234	12
HAMD254240-HAMD254241	12
HAMD217802-HAMD217812	12
HAMD205165-HAMD205176	12
HAMD445553-HAMD445553	12
HAMD204631-HAMD204632	12
HAMD439875-HAMD439878	12
HAMD205099-HAMD205100	12
HAMD205107-HAMD205108	12
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HAMD205441-HAMD205444	12
HAMD205241-HAMD205244	12
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HAMD398193-HAMD398198	12
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HAMD395845-HAMD395851	12
HAMD219307-HAMD219310	12
HAMD205285-HAMD205288	12
HAMD205177-HAMD205192	12
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HAMD204605-HAMD204610	12
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HAMD445364-HAMD445364	12
HAMD204430-HAMD204435	12
HAMD292468-HAMD292473	12
HAMD445586-HAMD445586	12

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<b>Bate Range</b>	<b>RFPD No.</b>
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HAMD204324-HAMD204329	12
HAMD445306-HAMD445306	12
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HAMD445751-HAMD445751	12
HAMD445734-HAMD445734	12
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HAMD445761-HAMD445761	12
HAMD445689-HAMD445689	12
HAMD241974-HAMD241975	12
HAMD205233-HAMD205236	12
HAMD211113-HAMD211117	12
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HAMD567532-HAMD567536	12
HAMD445635-HAMD445635	12
HAMD445693-HAMD445693	12
HAMD204217-HAMD204220	12
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HAMD205365-HAMD205370	12
HAMD204603-HAMD204604	12
HAMD210987-HAMD210994	12
HAMD439679-HAMD439683	12
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HAMD445370-HAMD445370	12
HAMD403951-HAMD403952	12
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HAMD221740-HAMD221745	12
HAMD445673-HAMD445673	12
HAMD338484-HAMD338484	12
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HAMD445741-HAMD445741	12
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HAMD445379-HAMD445379	12
HAMD254222-HAMD254225	12
HAMD445701-HAMD445701	12
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HAMD242041-HAMD242045	12
HAMD427537-HAMD427537	12
HAMD445601-HAMD445601	12
HAMD445581-HAMD445581	12
HAMD205425-HAMD205428	12

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<b>Bate Range</b>	<b>RFPD No.</b>
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HAMD205395-HAMD205400	12
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HAMD211231-HAMD211243	12
HAMD204830-HAMD204831	12
HAMD254654-HAMD254668	12
HAMD445316-HAMD445316	12
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HAMD488871-HAMD488878	12
HAMD445615-HAMD445615	12
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HAMD255749-HAMD255754	12
HAMD445605-HAMD445605	12
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HAMD445320-HAMD445320	12
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HAMD210995-HAMD211002	12
HAMD205115-HAMD205116	12
HAMD445696-HAMD445696	12
HAMD255737-HAMD255742	12
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HAMD579126-HAMD579137	12
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HAMD210883-HAMD210888	12
HAMD205109-HAMD205114	12
HAMD210917-HAMD210918	12
HAMD445678-HAMD445678	12
HAMD204338-HAMD204343	12
HAMD204460-HAMD204465	12
HAMD567521-HAMD567521	12
HAMD211182-HAMD211198	12
HAMD204275-HAMD204280	12

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Bate Range	RFPD No.
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HAMD427440-HAMD427441	12
HAMD204263-HAMD204267	12
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HAMD445653-HAMD445653	12
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HAMD398199-HAMD398204	12
HAMD567527-HAMD56753	12
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HAMD445608-HAMD445608	12
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HAMD254202-HAMD254213	12
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HAMD567557-HAMD567561	12
HAMD204924-HAMD204925	12
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HAMD445607-HAMD445607	12
HAMD219263-HAMD219270	12
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HAMD204674-HAMD204694	12
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HAMD445636-HAMD445636	12
HAMD440504-HAMD440511	12

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Bate Range	RFPD No.
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HAMD205273-HAMD205276	12
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HAMD205159-HAMD205164	12
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HAMD445377-HAMD445377	12
HAMD204611-HAMD204612	12
HAMD219271-HAMD219278	12
HAMD204378-HAMD204383	12



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Bate Range	RFPD No.
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HAMD445612-HAMD445612	12
HAMD403899-HAMD403900	12
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HAMD204364-HAMD204369	12
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HAMD204243-HAMD204246	12
HAMD210891-HAMD210896	12
HAMD445763-HAMD445763	12
HAMD205407-HAMD205412	12
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HAMD495147-HAMD495405	12
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HAMD254170-HAMD254171	12
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Bate Range	RFPD No.
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HAMD254606-HAMD254620	12
HAMD445368-HAMD445368	12
HAMD204281-HAMD204286	12
HAMD211051-HAMD211054	12
HAMD445596-HAMD445596	12
HAMD403921-HAMD403922	12
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Bate Range	RFPD No.
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HAMD205257-HAMD205260	12
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HAMD398187-HAMD398192	12
HAMD210899-HAMD210906	12
HAMD445709-HAMD445709	12
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HAMD211140-HAMD211145	12
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HAMD445666-HAMD445666	12
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HAMD404294-HAMD404308	12
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HAMD255731-HAMD255736	12
HAMD403831-HAMD403842	12
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<b>Date Range</b>	<b>RFPD No.</b>
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HAMD205127-HAMD205132	12
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HAMD445721-HAMD445721	12
HAMD210959-HAMD210968	12
HAMD567542-HAMD567546	12
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HAMD254595-HAMD254605	12
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HAMD445366-HAMD445366	12
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HAMD211083-HAMD211092	12
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HAMD205389-HAMD205394	12
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HAMD398145-HAMD398154	12
HAMD404268-HAMD404278	12
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HAMD210881-HAMD210882	12
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**September 26, 2014**

Bate Range	RFPD No.
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HAMD205057-HAMD205064	12
HAMD254214-HAMD254215	12
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HAMD445365-HAMD445365	12
HAMD204384-HAMD204391	12
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HAMD445599-HAMD445599	12
HAMD445681-HAMD445681	12
HAMD204788-HAMD204799	12
HAMD445700-HAMD445700	12
HAMD445694-HAMD445694	12
HAMD242087-HAMD242087	12
HAMD218446-HAMD218450	12
HAMD381221-HAMD381226	12
HAMD445650-HAMD445650	12
HAMD445307-HAMD445307	12
HAMD445712-HAMD445712	12
HAMD445613-HAMD445613	12
HAMD445576-HAMD445576	12
HAMD210909-HAMD210916	12
HAMD254172-HAMD254185	12
HAMD218311-HAMD218313	12

**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
**September 26, 2014**

<b>Bate Range</b>	<b>RFPD No.</b>
HAMD545430-HAMD545461	12
HAMD211075-HAMD211078	12
HAMD227671-HAMD227674	12
HAMD205005-HAMD205006	12
HAMD445625-HAMD445625	12
HAMD204862-HAMD204863	12
HAMD211055-HAMD211058	12
HAMD445702-HAMD445702	12
HAMD254200-HAMD254201	12
HAMD204523-HAMD204524	12
HAMD445647-HAMD445647	12
HAMD440512-HAMD440517	12
HAMD445595-HAMD445595	12
HAMD445603-HAMD445603	12
HAMD204206-HAMD204207	12
HAMD219247-HAMD219254	12
HAMD211175-HAMD211181	12
HAMD204304-HAMD204311	12
HAMD445547-HAMD445547	12
HAMD404240-HAMD404252	12
HAMD445352-HAMD445352	12
HAMD445582-HAMD445582	12
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HAMD445561-HAMD445561	12
HAMD205083-HAMD205088	12
HAMD204633-HAMD204636	12
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HAMD254270-HAMD254277	12
HAMD204497-HAMD204498	12
HAMD204764-HAMD204769	12
HAMD445719-HAMD445719	12
HAMD445671-HAMD445671	12

**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
**September 26, 2014**

Bate Range	RFPD No.
HAMD445692-HAMD445692	12
HAMD445305-HAMD445305	12
HAMD270931-HAMD270937	12
HAMD445725-HAMD445725	12
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HAMD254232-HAMD254233	12
HAMD445313-HAMD445313	12
HAMD211146-HAMD211150	12
HAMD211059-HAMD211062	12
HAMD254142-HAMD254143	12
HAMD204904-HAMD204905	12
HAMD445567-HAMD445567	12
HAMD205201-HAMD205208	12
HAMD205413-HAMD205418	12
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HAMD445587-HAMD445587	12
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HAMD205081-HAMD205082	12
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HAMD204948-HAMD204957	12
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HAMD205371-HAMD205376	12
HAMD242000-HAMD242000	12
HAMD403923-HAMD403932	12
HAMD445665-HAMD445665	12
HAMD445322-HAMD445322	12
HAMD255767-HAMD255772	12
HAMD255743-HAMD255748	12

**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
**September 26, 2014**

Bate Range	RFPD No.
HAMD205309-HAMD205312	12
HAMD445551-HAMD445551	12
HAMD494411-HAMD494681	12
HAMD488661-HAMD488698	12
HAMD445762-HAMD445762	12
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HAMD360052-HAMD360322	12
HAMD210939-HAMD210940	12
HAMD292463-HAMD292467	12
HAMD204946-HAMD204947	12
HAMD488699-HAMD488745	12
HAMD440480-HAMD440487	12
HAMD205401-HAMD205406	12
HAMD218851-HAMD218859	12
HAMD440496-HAMD440503	12
HAMD204637-HAMD204644	12
HAMD472735-HAMD472735	12
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HAMD211067-HAMD211070	12
HAMD205151-HAMD205156	12
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HAMD204647-HAMD204662	12
HAMD427553-HAMD427553	12
HAMD205383-HAMD205388	12
HAMD445626-HAMD445626	12
HAMD445359-HAMD445359	12
HAMD205245-HAMD205248	12
HAMD440084-HAMD440092	12



**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
**September 26, 2014**

Bate Range	RFPD No.
HAMD204926-HAMD204933	12
HAMD204354-HAMD204355	12
HAMD403907-HAMD403912	12
HAMD445593-HAMD445593	12
HAMD205445-HAMD205448	12
HAMD445618-HAMD445618	12
HAMD205157-HAMD205158	12
HAMD204882-HAMD204889	12
HAMD445750-HAMD445750	12
HAMD445356-HAMD445356	12
HAMD255755-HAMD255760	12
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HAMD445620-HAMD445620	12
HAMD567522-HAMD567526	12
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HAMD204627-HAMD204630	12
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HAMD606884-HAMD606884	13
HAMD604681-HAMD604681	13
HAMD606882-HAMD606882	13
HAMD606888-HAMD606888	13

**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
**September 26, 2014**

<b>Bate Range</b>	<b>RFPD No.</b>
HAMD606792-HAMD606813	13
HAMD605412-HAMD605440	13
HAMD606878-HAMD606878	13
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HAMD604683-HAMD604683	13
HAMD606832-HAMD606832	13
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HAMD606918-HAMD606938	13
HAMD606873-HAMD606892	13
HAMD604687-HAMD604687	13
HAMD606846-HAMD606846	13

**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
**September 26, 2014**

Bate Range	RFPD No.
HAMD606798-HAMD606798	13
HAMD604931-HAMD604948	13
HAMD604900-HAMD604900	13
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HAMD606854-HAMD606872	13
HAMD604899-HAMD604899	13
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HAMD609370-HAMD609379	17
HAMD609335-HAMD609344	17
HAMD609359-HAMD609361	17
HAMD609380-HAMD609394	17
HAMD609352-HAMD609352	17
HAMD609225-HAMD609226	17
HAMD609275-HAMD609307	17

**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
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Bate Range	RFPD No.
HAMD609185-HAMD609190	17
HAMD609191-HAMD609191	17
HAMD609182-HAMD609184	17
HAMD609345-HAMD609351	17
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HAMD609327-HAMD609334	17
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HAMD605225-HAMD605245	20
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HAMD604791-HAMD604794	20
HAMD604609-HAMD604610	20
HAMD604049-HAMD604077	20

**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
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Bate Range	RFPD No.
HAMD604844-HAMD604867	20
HAMD606479-HAMD606485	20
HAMD605314-HAMD605324	20
HAMD605056-HAMD605077	20
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HAMD605325-HAMD605330	20
HAMD605466-HAMD605470	20
HAMD604536-HAMD604547	20
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HAMD605384-HAMD605392	20
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HAMD606508-HAMD606511	20
HAMD604797-HAMD604818	20
HAMD605705-HAMD605710	20
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HAMD604578-HAMD604578	20
HAMD606605-HAMD606635	20
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HAMD606475-HAMD606476	20
HAMD604691-HAMD604694	20
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HAMD604078-HAMD604250	20
HAMD605393-HAMD605397	20
HAMD605246-HAMD605265	20
HAMD606493-HAMD606494	20

**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
**September 26, 2014**

Bate Range	RFPD No.
HAMD606445-HAMD606445	20
HAMD605627-HAMD605631	20
HAMD605759-HAMD605775	20
HAMD605496-HAMD605496	20
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HAMD605280-HAMD605293	20
HAMD606724-HAMD606763	20
HAMD605522-HAMD605539	20
HAMD606489-HAMD606490	20
HAMD605024-HAMD605028	20
HAMD605672-HAMD605677	20
HAMD606375-HAMD606400	20
HAMD606720-HAMD606721	20
HAMD605455-HAMD605465	20
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HAMD605471-HAMD605481	20
HAMD604580-HAMD604606	20
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HAMD604303-HAMD604303	20
HAMD605003-HAMD605023	20
HAMD604493-HAMD604508	20
HAMD606353-HAMD606374	20

**Mohammad Hamed**  
**Exhibit A - List of Documents Produced**  
**September 26, 2014**

<b>Bate Range</b>	<b>RFPD No.</b>
HAMD606157-HAMD606174	20
HAMD605202-HAMD605224	20
HAMD606506-HAMD606506	20
HAMD604752-HAMD604763	20
HAMD604321-HAMD604324	20
HAMD605139-HAMD605158	20
HAMD605349-HAMD605354	20
HAMD605728-HAMD605744	20
HAMD606512-HAMD606512	20
HAMD606515-HAMD606548	20
HAMD605369-HAMD605369	20
HAMD605266-HAMD605279	20
HAMD606326-HAMD606352	20
HAMD604302-HAMD604302	20
HAMD604868-HAMD604873	20
HAMD605756-HAMD605758	20
HAMD604819-HAMD604823	20
HAMD605398-HAMD605407	20
HAMD605050-HAMD605055	20
HAMD605678-HAMD605683	20
HAMD605307-HAMD605313	20
HAMD605355-HAMD605363	20
HAMD606182-HAMD606190	20
HAMD605495-HAMD605495	20
HAMD604325-HAMD604360	20
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HAMD605165-HAMD605165	20
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HAMD604277-HAMD604277	20
HAMD606764-HAMD606765	20
HAMD605106-HAMD605130	20
HAMD605753-HAMD605755	20
HAMD604614-HAMD604624	20

BANCO POPULAR DE PUERTO RICO  
 P.O. BOX 362708  
 SAN JUAN PR 00936-2708



MUHAMMAD E. HAMED  
 P.O. BOX 2926  
 FREDERIKSTED VI 00841-2926

194-054453  
 IDEAL

15669

This statement covers your transactions from November 7, 2013 to December 9, 2013.

Page 1

**INCOME TAX INFORMATION FOR 2013**

Interest credited for savings balances  
 7.60

**CHECKING**

**BALANCE INFORMATION**

Initial balance	+ Credits	- Checks/Debits	Charges	= Final balance
\$1,562.71	+465.50	0.00	0.00	12,078.21

**REGULAR AND ELECTRONIC CREDITS**

Date	Description	Amount
12-03	Deposit Soc Treas 310 Xasoc 5ac	465.50

**MINIMUM BALANCE**

Date	Description	Amount
11-06	Minimum balance during this cycle	\$1,562.71

**SAVINGS**

**BALANCE INFORMATION**

Initial balance	+ Credits	+ Interest	- Debits	- Charges	= Final balance	Available balance
7,612.56	0.00	0.67	0.00	0.00	7,613.23	7,613.23

Average daily balance	Days in statement cycle	Periodic rate	Annual percentage yield earned
7,612.56	32	0.0002719%	0.100%

**REGULAR AND ELECTRONIC CREDITS**

Date	Description	Amount
12-09	Interest credited	.67

**MINIMUM BALANCE**

Date	Description	Amount
11-06	Minimum balance during this cycle	7,612.56

Notice: Your next statement will be January 08, 2014  
 Subject to Protective Order

HAMD595213

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**In Case of Errors or Questions about your Statement of Account or Regarding Electronic Fund Transfers:**

If you think your statement of account or receipt is wrong, or if you need more information about a transaction on your statement or receipt, please call POPULAR TELEBANK at the following telephone numbers: (707) 734-3659 (metropolitan areas) 1-800-724-3659 (Island), hearing impaired telephone service (TDD) (707) 733-3677 (metropolitan areas) 1-800-881-0666 (Island, U.S.A. and Puerto Rico) or write us at:

Banco Popular de Puerto Rico, Customer Resolution Center, PO Box 361708, San Juan, Puerto Rico 00936-1708

We must hear from you no later than 60 days after we sent you the first statement on which the error or problem appeared. Tell us your name and account number, transaction date and transaction number, description of the claim or doubt, and the dollar amount of the alleged error.

**ELECTRONIC TRANSFERS**

We will investigate your claim and will correct any error, promptly. If we take more than 30 business days to do this, we will credit your account for the amount you think is in error, so that you will have the use of the money during the time it takes us to complete our investigation.

**PAYMENTS OR SPECIAL CHECKS TO THE RESERVE**

The **INTEREST CHARGE** is computed by applying the **DAILY PERIODIC RATE** to the balance subject to interest here, which is determined by adding unpaid balances to all the days included within the billing period and dividing the total by the number of days in said period. The unpaid daily balance within each billing period is figured by adding to the final balance of the previous day any advances or debits and subtracting payments and credits made during the day. For variable rate accounts only. The Periodic Rates and APR's may vary for each billing period.

**What To Do If You Think You Find A Mistake On Your Statement -** If you think there is an error on your statement, write to us at BANCO POPULAR DE PUERTO RICO, Customer Resolution Center, PO Box 361708, San Juan, Puerto Rico 00936-1708. In your letter, give us the following information:

- Account information: Your name and account number
- Dollar amount: The dollar amount of the suspected error
- Clear description of error: If you think there is an error on your bill, describe what you believe is wrong and why you believe it is a mistake

You must contact us within 60 days after the error appears on your statement. You must notify us of any potential errors in writing. You may call us, but if you do we are not required to investigate any potential errors and you may have to pay the amount in question. While we investigate, whether or not there has been an error, the following are true:

- We cannot try to collect the amount in question, or require you as delinquent on that amount.
- The charge in question may remain on your statement, and we may continue to charge you interest on that amount. But, if we determine that you made a mistake, you will not have to pay the amount in question or any interest or other fees related to that amount.
- While you do not have to pay the amount in question, you are responsible for the remainder of your balance.
- We can apply any unpaid amount against your credit line.

While we investigate, the same rules apply to the disputed amount as discussed above. After we finish our investigation, we will tell you our decision. At that point, if we think you owe an amount and you do not pay we may report you as delinquent.

MO 1115

Credit for deposited checks is provisional until payment of such checks is received.

Rev. 11/2010

Confidential  
Subject to Protective Order

HAMD595214



### Your TOTAL ACCESS ACCOUNT Account Summary

ONE SUNNY ISLE BRANCH  
P.O. BOX 773  
CHRISTIANSTED



1-866-9SCOTIA  
1-866-872-6842



www.1851scotiabank.com

**MOHAMMAD HANEED**

PO BOX 2926  
FREDERIKSTED VI 00841-2926

Account Number: 058-45096814

Transit Number: 30584

Statement Period: 15SEP13 to 15OCT13

Dear customer:

As part of our environmental commitment,  
our printed statements will show  
only the front of the collected checks.

If you want a copy of the back  
you can get it through our branches or the Contact  
Center.

#### 058-45096814 - TOTAL ACCESS ACCOUNT - USD

##### Account Summary

No. of Deposits	0	Service Charges	\$ 8.00
Deposits	\$ 0.00	Record Keeping Fees	\$ 0.00
No. of Withdrawals	1	Interest Paid	\$ 0.00
Withdrawals	\$ 8.00	Interest Rate	-0.00%
Enclosures	0	Annual Percentage Yield Earned (APY)	0.00%

The interest earned and annual percentage yield earned are based on your average daily balance for the period 15SEP13 through 15OCT13.



### Your TOTAL ACCESS ACCOUNT Account Summary

MUHAMMAD KAMEB  
047-45096814

1-866-850071A  
1-866-972-6814

www.USVI.scotiabank.com

Transactions ( Withdrawals & Deposits ) - 056-45096814			
Transaction Date	Description	Amount	Balance
	OPENING BALANCE		\$ -23.00
10SEP	SERVICE CHARGE	\$ 8.00	\$ -31.00
	CLOSING BALANCE		\$ -31.00
Total Returned Item Fees This Period		\$ 0.00	Total Overdraft Fees This Period \$ 0.00
Total Returned Item Fees Year to Date		\$ 0.00	Total Overdraft Fees Year to Date \$ 30.00

\*1 Transaction of The Bank of New York, used under account



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Subject to Protective Order

HAMD595216

Confidential  
Subject to Protective Order

Scotiabank

Statement of the Bank of Nova Scotia, used under license

If there is a discrepancy between the amount shown on this statement and the amount on your account, please contact us at 1-800-387-2222.

CLASSIFICATION OF THIS STATEMENT	DATE	PERIOD	AMOUNT	DESCRIPTION
CLASSIFICATION OF THIS STATEMENT				
DATE				
PERIOD				
AMOUNT				
DESCRIPTION				

If you have a discrepancy between the amount shown on this statement and the amount on your account, please contact us at 1-800-387-2222.

If you have a discrepancy between the amount shown on this statement and the amount on your account, please contact us at 1-800-387-2222.

If you have a discrepancy between the amount shown on this statement and the amount on your account, please contact us at 1-800-387-2222.

CLASSIFICATION OF THIS STATEMENT	DATE	PERIOD	AMOUNT	DESCRIPTION
CLASSIFICATION OF THIS STATEMENT				
DATE				
PERIOD				
AMOUNT				
DESCRIPTION				
				<b>TOTAL</b>

If you have a discrepancy between the amount shown on this statement and the amount on your account, please contact us at 1-800-387-2222.

If you have a discrepancy between the amount shown on this statement and the amount on your account, please contact us at 1-800-387-2222.

If you have a discrepancy between the amount shown on this statement and the amount on your account, please contact us at 1-800-387-2222.

### Your TOTAL ACCESS ACCOUNT Summary



1-866-9SCOTIA  
1-866-972-6443  
www.scotiabank.com

SEE REVERSE FOR STATEMENT

IN CASE OF ERRORS OR QUESTIONS  
REGARDING ELECTRONIC TRANSFER OF  
FUNDS AND OR TRANSACTIONS WITH YOUR  
SCOTIA CARD OR YOUR ACCOUNT STATEMENT  
We recommend you claim or contact us when the  
00 days after we have the statement in which the  
error is reflected for the first time

Scotiabank  
P.O. Box 420  
St. John's, NL A1B 0X2



### Your TOTAL ACCESS ACCOUNT Account Summary

BNS SUNNY ISLE BRANCH  
P.O. BOX 773  
CHRISTIANSTED

1-866-9SCOTIA  
1-866-972-6942

[www.usv.scotiabank.com](http://www.usv.scotiabank.com)

**MOHAMMED HAMED**

5H CARLTON GARDENS  
PO BOX 2926  
FREDERIKSTED VI 00841-2926

Account Number: 058-00800517

Transit Number: 30585

Statement Period: 15SEP15 to 30OCT15

Dear customer,

As part of our environmental commitment,  
our printed statements will show  
only the front of the collected checks.

If you want a copy of the back  
you can get it through our branches or the Contact  
Center.

#### 058-00800517 - TOTAL ACCESS ACCOUNT - USD

##### Account Summary

No. of Deposits	0	Service Charges	\$ 0.00
Deposits	\$ 0.00	Record Keeping Fee	\$ 0.00
No. of Withdrawals	1	Interest Paid	\$ 0.00
Withdrawals	\$ 0.00	Interest Rate	0.00%
Enclosures	0	Annual Percentage Yield Earned (APY)	0.00%

The interest earned and annual percentage yield earned are based on your average daily balance for the period 15SEP15 through 30OCT15.

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

<b>MOHAMMAD HAMED</b> , by his authorized agent <b>WALEED HAMED</b> ,	)	
	)	
<i>Plaintiff/Counterclaim Defendant</i> ,	)	
	)	
vs.	)	<b>CIVIL NO. SX-12-CV-370</b>
	)	
<b>FATHI YUSUF</b> and <b>UNITED CORPORATION</b> ,	)	
	)	
<i>Defendants/Counterclaimants</i> ,	)	
	)	ACTION FOR DAMAGES
vs.	)	INJUNCTIVE RELIEF AND
	)	DECLARATORY RELIEF
<b>WALEED HAMED, WAHEED HAMED, MUFEED HAMED, HISHAM HAMED, and PLESSEN ENTERPRISES, INC.</b> ,	)	
	)	JURY TRIAL DEMANDED
	)	
<i>Counterclaim Defendants.</i>	)	
<hr style="border: 0.5px solid black;"/>		

**COUNTERCLAIM DEFENDANT WALEED HAMED'S  
RESPONSES TO DEFENDANTS'  
ADDITIONAL 8/27/14 REQUESTS FOR THE PRODUCTION OF  
DOCUMENTS**

**GENERAL OBJECTIONS**

Waleed Hamed makes the following general objections to the Requests. Although these general objections apply to all of the Requests, for convenience, they are set forth herein and are not necessarily repeated after each objectionable request. The assertion of the same, similar or additional objections in the individual

objections to these Request, or the failure to assert any additional objections to a request does not waive any of the objections as set forth below:

1. Waleed Hamed objects to each Request that seeks information that is not relevant to the claims asserted against him in this case.
2. Waleed Hamed objects to each Request to the extent it seeks the disclosure or production of documents or information protected by the attorney-client, work product or other privileges.
3. Waleed Hamed objects to each Request that seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.
4. The information sought by the Requests may be as much as twenty-seven (27) years old. Documents that may be contained information relevant to the Requests may no longer be in existence. Thus any information provided herein may not be, and should not be considered complete, and may be subject to supplementation if additional information becomes available.
5. Waleed Hamed objects to defined terms and instructions to the extent that they vary from applicable law and/or impose different objections than those set forth in the Federal Rules of Civil Procedure.

## RESPONSES

Counterclaim defendant Waleed Hamed responds to the additional requests for production of documents served on him on August 27, 2014 as follows:

*1. Please produce any and all documents identified in your responses to the Requests for Admission and Interrogatories served simultaneously herewith.*

Response to RFPD No. 1: As described therein.

*2. Please produce all information required by Fed. R. Civ. P. 26(a).*

Response to RFPD No. 2: As filed on August, 27, 2014.

*3. Please produce all documents relating to how proceeds or profits from the Plaza Extra Stores were distributed to you and your family members from January 1, 1986 to date.*

Response to RFPD No. 3: This request is identical to request no. 27, Fathi Yusuf's second set of RFPDs to counterclaim defendant Waleed Hamed, dated May 27, 2014. Please refer to the response Mr. Hamed gave on September 9, 2014:

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, please refer to the responses to RFPDs numbers eight and nine. I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do. Other documents may also be in the possession of the joint criminal counsel attorneys which are also equally available to you.

*4. Please produce all documents relating to the removal, transfer, subsequent transfer and use of funds from any of the Plaza Extra Accounts by you and your family members, other than salaries or direct reimbursements of costs.*

Response to RFPD No. 4: This request is identical to request no. 28, Fathi Yusuf's second set of RFPDs to counterclaim defendant Waleed Hamed, dated May 27, 2014. Please refer to the response Mr. Hamed gave on September 9, 2014:

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to this objection, please refer to the responses to RFPDs numbers eight and nine. I know that some documents covered by this request prior to 2002 were seized by the FBI, which records have been made available to you so that you have the same access to them as I do. Other documents may also be in the possession of the joint criminal counsel attorneys which are also equally available to you.



*5. Please produce all documents relating to any defense you intend to assert with respect to the claims made against you in this case.*

Response to RFPD No. 5: This request is identical to request no. 40, Fathi Yusuf's second set of RFPDs to counterclaim defendant Waleed Hamed, dated May 27, 2014. Please refer to the response Mr. Hamed gave on September 9, 2014:

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. I also object to this request to the extent it seeks items covered by the work product of counsel and trial strategy, which is not discoverable under Rule 34. Finally, to the extent this request calls for information provided to expert witnesses, this request is also objected pursuant to Rule 26, which protects such disclosures. Subject to these objections and to the extent this request is understood, I have no such documents.

*6. Please produce all documents relating to each exhibit you intend to introduce into evidence at the trial of this case.*

Response to RFPD No. 6: This request is identical to request no. 41, Fathi Yusuf's second set of RFPDs to counterclaim defendant Waleed Hamed, dated May 27, 2014. Please refer to the response Mr. Hamed gave on September 9, 2014:

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. This request is also objected to as too vague and confusing to comprehend what documents are being sought. I also object to this request to the extent it seeks items covered by the work product of counsel and trial strategy, which is not discoverable under Rule 34. Finally, to the extent this request calls for information provided to expert witnesses, this request is also objected pursuant to Rule 26, which protects such

disclosures. Subject to these objections and to the extent this request is understood, I have no such documents.

Respectfully submitted,

**ECKARD, PC**

By:



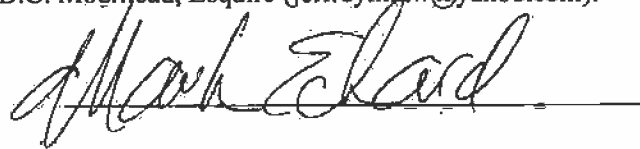
Mark W. Eckard, Esquire  
OFFICE: #1 Company Street  
MAIL: P.O. Box 24849  
Christiansted, VI 00824  
Direct Dial: (340) 514-2690  
Email: mark@markeckard.com

Dated: September 26, 2014

Counsel to Waleed, Mufeed and Hisham Hamed

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of September 2014, I served a copy of the foregoing in compliance with the parties consent, pursuant to Fed. R. Civ. P. 5(b)(2)(E), to electronic service of all documents in this action on: Nizar A. DeWood, Esquire (dewoodlaw@gmail.com); Gregory H. Hodges, Esquire (ghodges@dtflaw.com); Joel H. Holt, Esquire (holtvi@aol.com); and Jeffrey B.C. Moorhead, Esquire (jeffreymlaw@yahoo.com).





Deny, as I did not knowingly file a false return, as I was unaware of the errors made by the accountant who prepared them, whom I relied on.

3. Admit that you filed tax returns for 1993 through 2001 knowing that you actually received more income than declared on the returns.

Object to as compound. Additionally, after reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

4. Admit that you have never filed an amended tax return correcting any of your tax returns.

Admit, as I was not required to do as part of the settlement of the criminal case.

5. Admit that you knowingly used a tax loss carry forward for tax year 1994 which you knew was not your loss.

Deny, as I did not knowingly file a return with any errors, as I was unaware of the errors, if any, made by the accountant who prepared them, whom I relied upon.

6. Admit that you knowingly used a tax loss carry forward for tax year 1995 which you knew was not your loss.

Deny, as I did not knowingly file a return with any errors, as I was unaware of the errors, if any, made by the accountant who prepared them, whom I relied upon.

7. Admit that you filed tax returns for the tax years 1992 through 2001 which you knew under reported your income for those years.

Object to as compound. Additionally, after reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

8. Admit that you removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.

Deny, as notice was always provided as agreed upon, although as Mike Yusuf testified, many such receipts were destroyed by agreement.

9. Admit that you never removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.

Admit.

10. Admit that you could remove funds from the safes at the Plaza Extra Stores without making any record of it.

Deny, as everyone was required to follow the process of recoding all such withdrawals, although as Mike Yusuf testified, many such receipts were destroyed by agreement.

11. Admit that you could remove funds from the safes at the Plaza Extra Stores without making any record of it.

Deny, as everyone was required to follow the process of recoding all such withdrawals, although as Mike Yusuf testified, many such receipts were destroyed by agreement.

12. Admit that records relating to the funds removed from the Plaza Extra Stores by Hamed family members were destroyed, discarded or secreted by you or members of your family.

Admit only that this was done by mutual agreement and at the same time in each other's presence, as Mike Yusuf testified, many such receipts were destroyed by agreement.

13. Admit that none of the records relating to the funds removed from the Plaza Extra Stores by Hamed family members were destroyed or discarded by you or members of your family.

Deny, as no records were discarded except by mutual consent with the Yusufs after accountings were done from time to time, as Mike Yusuf testified, many such receipts were destroyed in each other's presence by mutual agreement.

14. Admit that the 2001 Partial Reconciliation established that the Hamed family had withdrawn \$1.6 million more than the Yusuf family from Plaza Extra-East.

Deny, as the term defines an event that did not take place in 2001. Moreover, any

such discussions were subject to other offsets. For example, as Mike Yusuf testified, those amounts did not include the St. Thomas store or other outstanding amounts.

15. Admit that other than the receipts, checks and other evidence of Hamed family withdrawals from Plaza Extra-East used in the 2001 Partial Reconciliation, none of the records relating to withdrawals from the Plaza Extra Stores by the Hamed family members were destroyed, discarded or secreted by you or members of your family.

Deny, as records were discarded from time to time by mutual consent with the Yusufs after accountings were done from time to time. Moreover, any such discussions were subject to other offsets. For example, as Mike Yusuf testified, those amounts did not include the St. Thomas store or other outstanding amounts.

16. Admit that during informal mediation sessions, you have acknowledged to several individuals that the 2001 Partial Reconciliation established that the Hamed family had withdrawn \$1.6 million more than the Yusuf family.

Object to as this request violates the mediation rules. It is further denied any such statements were made. Moreover, any such discussions were subject to other offsets. For example, as Mike Yusuf testified, those amounts did not include the St. Thomas store or other outstanding amounts.

17. Admit that you, Hamed and your brothers have always had access to all of the financial records for all three Plaza Extra Stores.

Deny. Fathi Yusuf was in charge of those the office and those records. In 2001 the records were seized by the FBI and were not made available to us for several years, although everyone had full access to them again by 2003. Then, after the criminal plea was entered, Fathi Yusuf hired accountants who kept the records from the Hameds until a court order was obtained in 2014 to gain access again to these records. Even now there is a delay between the generation of the records and the receipt of them by the Hameds.

18. Admit that as a store manager, you have always had access to all of the financial records for all of the Plaza Extra Stores.

Deny. Fathi Yusuf was in charge of those records. In 2001 the records were seized by the FBI and were not made available to us for several years, although everyone

had full access to them again by 2003. Then, after the criminal plea was entered, Fathi Yusuf hired accountants who kept the records from the Hameds until a court order was obtained in 2014 to gain access again to these records, even though even now there is a delay between the generation of the records and the receipt of them by the Hameds.

19. Admit that Hamed and Yusuf always kept separate, segregated books and accounts for each of the three Plaza Extra Stores, and kept a detailed accounting open to both partners for the expenses and profits of the Plaza Extra Stores wholly separate from the unrelated business operations of United in its operation of the United Shopping Center.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. To the extent it is understood, United's operations were not separated from the business operations of Plaza, as Plaza paid many of United's expenses, so this request is denied. For example, many expenses of the United operations were "charged" to Plaza Extra, instances of which uncovered to date include property insurance and gross receipts taxes.

20. Admit that you know the total amount you and your family members have withdrawn from the Plaza Extra Stores from 1986 to date inclusive of salaries and documented bonuses.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied. Moreover, Yusufs and United have been unable to provide such calculations in response to multiple discovery requests.

21. Admit that you do not know the total amount the Yusuf family members have withdrawn from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.

Admit.

22. Admit that you have not done an accounting as to the funds taken by you and your family members from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.

This request is objected to as ambiguous, as the term "accounting" is too ambiguous to comprehend in determining what Plaintiff is being asked to admit.

Indeed, to the extent this request is understood, an accounting of funds would have been made from time to time between the Hameds and Yusufs, although an amount is currently not possible to recreate due to the passage of time and lack of records.

23. Admit that you have not done an accounting as to the funds taken by Yusuf and his sons from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.

This request is objected to as ambiguous, as the term "accounting" is too ambiguous to comprehend in determining what Plaintiff is being asked to admit. Indeed, to the extent this request is understood, an accounting of funds would have been made from time to time between the Hameds and Yusufs, although it is currently not possible to recreate it due to the passage of time and lack of records.

24. Admit that you used funds taken from the Plaza Extra Stores or Plessen for investment in Five Comers.

Deny, as no such funds were 'taken' -- and none used for any such investment.

25. Admit that you used funds taken from the Plaza Extra Stores or Plessen for investment in Five H Holdings, Inc.

Deny, as no such funds were 'taken' -- and none used for any such investment.

26. Admit that the your only source of income from 1986 through 2012 was the Plaza Extra Stores.

Deny, as I have other investments like the apartments I rent and the investments made from his savings.

27. Admit that any monies or assets you have acquired individually from 1986 through 2012 came from funds withdrawn from the Plaza Extra Stores.

Deny, as I have other investments like the apartments I rent and the investments made from his savings. Moreover many funds were paid to me as salary, not 'withdrawn.'

28. Admit that you withdrew monies from the Plaza Extra Stores without advising Yusuf or his sons.



Deny, as the Yusufs were always aware of all such withdrawals, although as Mike Yusuf testified, many such receipts were destroyed in each other's presence by mutual agreement.

29. Admit that you and members of your family have withdrawn more monies from the Plaza Extra Stores than Yusuf and his sons.

Deny, as the Yusufs have withdrawn more money than the Hameds as noted by the post January 1, 2012, \$2,700,000 unilaterally taken by the Yusufs in 2012 giving rise to this case -- as well as more than \$500,000 taken by the Yusufs to pay DiRuzzo and funds taken by United from Plaza Extra Supermarkets to pay insurance and gross receipts taxes on United properties.

30. Admit that the \$536,405 check dated April 29, 1998 made payable to Hamed and signed by you from the Cairo Amman Bank, Account #02501171878-00 was Plaza Extra Store funds and that you have never accounted to Yusuf for the disposition of these funds.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. To the extent it is understood, the Plaintiff has always provided a full accounting to Fathi Yusuf from time to time, as requested over the years, including the \$536,405 check which was spent as agreed by the parties. However, as to this specific inquiry about the \$536,405 check, after reasonable inquiry, this request cannot be fully responded to due to the passage of time and the lack of records for that time period. Hence, it is denied.

31. Admit that when Plaza Extra-East first opened for business, Hamed agreed with Yusuf that rent would be paid to United based on the price of \$5.55 per square foot occupied.

Deny, as no such agreement was ever made.

32. Admit that no rent has been paid by Plaza Extra-East to United for the period from January 1, 1994 through May 4, 2004.

Deny, as rent was paid in cash to Fathi Yusuf as he requested from time to time.

33. Admit that you and your brothers sent monies from the Plaza Extra Stores to your father, Hamed in Jordan before and after his retirement in 1996.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. To the extent it is understood, monies were sent to Mohammad Hamed with the full knowledge and consent of the Yusufs

34. Admit that you loaned monies from the Plaza Extra Stores to third parties who made repayments directly to you.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

35. Admit that you believed it would be detrimental to your father's interests to advise federal authorities during the Criminal Case or to allege publically that the Plaza Extra Stores were operated as a partnership between Hamed and Yusuf.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. It is also objected as seeking confidential information that is protected by the attorney-client privilege.

36. Admit that your declaration dated August 24, 2014 is the first time you have stated that the rent claimed due by United for the period from January 1, 1994 to May 4, 2004 has in fact been paid.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period, as it is unknown if any bogus claim that rent was unpaid was ever made since it had in fact been paid. It was never raised at any prior time or during the 2012 settlement of all past rents. Hence, it is denied.

37. Admit that you and your father have produced no documents and can produce no documents relating to the cash payment of rent to United for any period of time.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

38. Admit that Hamed and Yusuf have scrupulously maintained records of withdrawals from the Plaza Extra Stores to each of them (and their respective family members), to make certain there would always be an equal (50/50) amount of these withdrawals for themselves or to designated family members.

This request is objected to as ambiguous, as the term "scrupulously" is overly broad in order to comprehend in determining what Plaintiff is being asked to admit. To the extent this request is understood, the intent has always been to document all withdrawals by each family member to make sure the withdrawals/expenditures are 50/50, as has been done previously In the past from time to time. As stated above, it has since been determined that United was taking funds by covering its own payments with Plaza Extra funds. Moreover, as Mike Yusuf testified, many such receipts were destroyed by him and others by mutual agreement.

39. Admit that an accurate and complete accounting can be given as to the withdrawals from the Plaza Extra Stores to Hamed and Yusuf (and their respective family members).

Denied. Moreover, as Mike Yusuf testified, many such receipts were destroyed by him and others by mutual agreement.

40. Admit that you and your brothers "skimmed" monies from the funds not reported as income which were the subject of the Criminal Case.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Notwithstanding this fact, United has admitted that it skimmed funds. Fathi Yusuf has stated that he was in charge of all aspects of the office and business, so all funds were removed as he directed.

41. Admit that you and your brothers knew and understood that removal of monies from the Plaza Extra Stores without reporting it as income was done to evade taxes and that you, Hamed and your brothers personally benefited from these actions.

Object to as unduly overbroad and confusing, as the withdrawal of monies is not necessarily the same as income. Also object to as compound and seeking information about my brothers' state of mind. Hence, this request is denied. Notwithstanding this fact, United has admitted that it skimmed funds. Fathi Yusuf has stated that he was in charge of all aspects of the office and business, so all funds were removed as he directed.

42. Admit that you and your brothers knowingly and actively participated in the removal of monies from the Plaza Extra Stores without reporting it as income.

Object to as unduly confusing and overbroad, as the withdrawal of monies is not necessarily the same as income. Also object to as compound and seeking information about my brothers' state of mind. Hence, this request is denied. Notwithstanding this fact, United has admitted that it skimmed funds. Fathi Yusuf has stated that he was in charge of all aspects of the office and business, so all funds were removed as he directed.

Respectfully submitted,

ECKARD, PC

By:

  
Mark W. Eckard, Esquire

OFFICE: #1 Company Street

MAIL: P.O. Box 24849

Christiansted, VI 00824

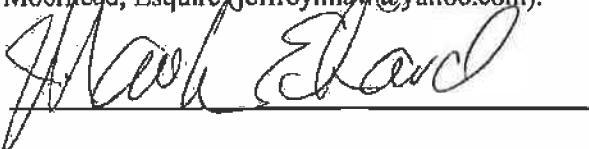
Direct Dial: (340) 514-2690

Email: mark@markeckard.com

Counsel to Waleed, Mufeed and Hisham Hamed

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of September 2014, I served a copy of the foregoing in compliance with the parties consent, pursuant to Fed. R. Civ. P. 5(b)(2)(E), to electronic service of all documents in this action on: Nizar A. DeWood, Esquire (dewoodlaw@gmail.com); Gregory H. Hodges, Esquire (ghodges@dtflaw.com); Joel H. Holt, Esquire (holtvi@aol.com); and Jeffrey B.C. Moorhead, Esquire (jeffreymlaw@yahoo.com).

  
\_\_\_\_\_

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

<b>MOHAMMAD HAMED</b> , by his	)	
authorized agent <b>WALEED HAMED</b> ,	)	
	)	
<i>Plaintiff/Counterclaim Defendant,</i>	)	
	)	
vs.	)	<b>CIVIL NO. SX-12-CV-370</b>
	)	
<b>FATHI YUSUF</b> and	)	
<b>UNITED CORPORATION</b> ,	)	
	)	
<i>Defendants/Counterclaimants,</i>	)	
	)	
vs.	)	<b>ACTION FOR DAMAGES INJUNCTIVE RELIEF AND DECLARATORY RELIEF</b>
	)	
<b>WALEED HAMED</b> , <b>WAHEED</b>	)	
<b>HAMED</b> , <b>MUFEED HAMED</b> ,	)	
<b>HISHAM HAMED</b> ,	)	
and <b>PLESSEN ENTERPRISES, INC.</b> ,	)	<b>JURY TRIAL DEMANDED</b>
	)	
<i>Counterclaim Defendants.</i>	)	
_____	)	

**COUNTERCLAIM DEFENDANT WALEED HAMED'S RESPONSES  
TO DEFENDANTS' 8/27/14 REQUESTS FOR ADMISSIONS**

Counterclaim defendant Waleed Hamed responds to the requests to admit served on him on August 27, 2014 as follows:

1. Admit that your tax returns for 1992, 1993, 1994 and 1995 are correct in all respects.

Object to as compound. Notwithstanding this objection, this request is denied, as several of the tax returns do contain errors made by the accountant who prepared them.

2. Admit that you filed a tax return for 1993 knowing that it was incorrect as to the investments owned and losses claimed.

Deny, as I did not knowingly file a false return, as I was unaware of the errors made by the accountant who prepared them, whom I relied on.

3. Admit that you filed tax returns for 1993 through 2001 knowing that you actually received more income than declared on the returns.

Object to as compound. Additionally, after reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

4. Admit that you have never filed an amended tax return correcting any of your tax returns.

Admit, as I was not required to do as part of the settlement of the criminal case.

5. Admit that you knowingly used a tax loss carry forward for tax year 1994 which you knew was not your loss.

Deny, as I did not knowingly file a return with any errors, as I was unaware of the errors, if any, made by the accountant who prepared them, whom I relied upon.

6. Admit that you knowingly used a tax loss carry forward for tax year 1995 which you knew was not your loss.

Deny, as I did not knowingly file a return with any errors, as I was unaware of the errors, if any, made by the accountant who prepared them, whom I relied upon.

7. Admit that you filed tax returns for the tax years 1992 through 2001 which you knew under reported your income for those years.

Object to as compound. Additionally, after reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

8. Admit that you removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.

Deny, as notice was always provided as agreed upon, although as Mike Yusuf testified, many such receipts were destroyed by agreement.

9. Admit that you never removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.

Admit.

10. Admit that you could remove funds from the safes at the Plaza Extra Stores without making any record of it.

Deny, as everyone was required to follow the process of recoding all such withdrawals, although as Mike Yusuf testified, many such receipts were destroyed by agreement.

11. Admit that you could remove funds from the safes at the Plaza Extra Stores without making any record of it.

Deny, as everyone was required to follow the process of recoding all such withdrawals, although as Mike Yusuf testified, many such receipts were destroyed by agreement.

12. Admit that records relating to the funds removed from the Plaza Extra Stores by Hamed family members were destroyed, discarded or secreted by you or members of your family.

Admit only that this was done by mutual agreement and at the same time in each other's presence, as Mike Yusuf testified, many such receipts were destroyed by agreement.

13. Admit that none of the records relating to the funds removed from the Plaza Extra Stores by Hamed family members were destroyed or discarded by you or members of your family.

Deny, as no records were discarded except by mutual consent with the Yusufs after accountings were done from time to time, as Mike Yusuf testified, many such receipts were destroyed in each other's presence by mutual agreement.

14. Admit that the 2001 Partial Reconciliation established that the Hamed family had withdrawn \$1.6 million more than the Yusuf family from Plaza Extra-East.

Deny, as the term defines an event that did not take place in 2001. Moreover, any

such discussions were subject to other offsets. For example, as Mike Yusuf testified, those amounts did not include the St. Thomas store or other outstanding amounts.

15. Admit that other than the receipts, checks and other evidence of Hamed family withdrawals from Plaza Extra-East used in the 2001 Partial Reconciliation, none of the records relating to withdrawals from the Plaza Extra Stores by the Hamed family members were destroyed, discarded or secreted by you or members of your family.

Deny, as records were discarded from time to time by mutual consent with the Yusufs after accountings were done from time to time. Moreover, any such discussions were subject to other offsets. For example, as Mike Yusuf testified, those amounts did not include the St. Thomas store or other outstanding amounts.

16. Admit that during informal mediation sessions, you have acknowledged to several individuals that the 2001 Partial Reconciliation established that the Hamed family had withdrawn \$1.6 million more than the Yusuf family.

Object to as this request violates the mediation rules. It is further denied any such statements were made. Moreover, any such discussions were subject to other offsets. For example, as Mike Yusuf testified, those amounts did not include the St. Thomas store or other outstanding amounts.

17. Admit that you, Hamed and your brothers have always had access to all of the financial records for all three Plaza Extra Stores.

Deny. Fathi Yusuf was in charge of those the office and those records. In 2001 the records were seized by the FBI and were not made available to us for several years, although everyone had full access to them again by 2003. Then, after the criminal plea was entered, Fathi Yusuf hired accountants who kept the records from the Hameds until a court order was obtained in 2014 to gain access again to these records. Even now there is a delay between the generation of the records and the receipt of them by the Hameds.

18. Admit that as a store manager, you have always had access to all of the financial records for all of the Plaza Extra Stores.

Deny. Fathi Yusuf was in charge of those records. In 2001 the records were seized by the FBI and were not made available to us for several years, although everyone



had full access to them again by 2003. Then, after the criminal plea was entered, Fathi Yusuf hired accountants who kept the records from the Hameds until a court order was obtained in 2014 to gain access again to these records, even though even now there is a delay between the generation of the records and the receipt of them by the Hameds.

19. Admit that Hamed and Yusuf always kept separate, segregated books and accounts for each of the three Plaza Extra Stores, and kept a detailed accounting open to both partners for the expenses and profits of the Plaza Extra Stores wholly separate from the unrelated business operations of United in its operation of the United Shopping Center.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. To the extent it is understood, United's operations were not separated from the business operations of Plaza, as Plaza paid many of United's expenses, so this request is denied. For example, many expenses of the United operations were "charged" to Plaza Extra, instances of which uncovered to date include property insurance and gross receipts taxes.

20. Admit that you know the total amount you and your family members have withdrawn from the Plaza Extra Stores from 1986 to date inclusive of salaries and documented bonuses.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied. Moreover, Yusufs and United have been unable to provide such calculations in response to multiple discovery requests.

21. Admit that you do not know the total amount the Yusuf family members have withdrawn from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.

Admit.

22. Admit that you have not done an accounting as to the funds taken by you and your family members from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.

This request is objected to as ambiguous, as the term "accounting" is too ambiguous to comprehend in determining what Plaintiff is being asked to admit.

Indeed, to the extent this request is understood, an accounting of funds would have been made from time to time between the Hameds and Yusufs, although an amount is currently not possible to recreate due to the passage of time and lack of records.

23. Admit that you have not done an accounting as to the funds taken by Yusuf and his sons from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.

This request is objected to as ambiguous, as the term "accounting" is too ambiguous to comprehend in determining what Plaintiff is being asked to admit. Indeed, to the extent this request is understood, an accounting of funds would have been made from time to time between the Hameds and Yusufs, although it is currently not possible to recreate it due to the passage of time and lack of records.

24. Admit that you used funds taken from the Plaza Extra Stores or Plessen for investment in Five Comers.

Deny, as no such funds were 'taken' -- and none used for any such investment.

25. Admit that you used funds taken from the Plaza Extra Stores or Plessen for investment in Five H Holdings, Inc.

Deny, as no such funds were 'taken' -- and none used for any such investment.

26. Admit that the your only source of income from 1986 through 2012 was the Plaza Extra Stores.

Deny, as I have other investments like the apartments I rent and the investments made from his savings.

27. Admit that any monies or assets you have acquired individually from 1986 through 2012 came from funds withdrawn from the Plaza Extra Stores.

Deny, as I have other investments like the apartments I rent and the investments made from his savings. Moreover many funds were paid to me as salary, not 'withdrawn.'

28. Admit that you withdrew monies from the Plaza Extra Stores without advising Yusuf or his sons.

Deny, as the Yusufs were always aware of all such withdrawals, although as Mike Yusuf testified, many such receipts were destroyed in each other's presence by mutual agreement.

29. Admit that you and members of your family have withdrawn more monies from the Plaza Extra Stores than Yusuf and his sons.

Deny, as the Yusufs have withdrawn more money than the Hameds as noted by the post January 1, 2012, \$2,700,000 unilaterally taken by the Yusufs in 2012 giving rise to this case -- as well as more than \$500,000 taken by the Yusufs to pay DiRuzzo and funds taken by United from Plaza Extra Supermarkets to pay insurance and gross receipts taxes on United properties.

30. Admit that the \$536,405 check dated April 29, 1998 made payable to Hamed and signed by you from the Cairo Amman Bank, Account #02501171878-00 was Plaza Extra Store funds and that you have never accounted to Yusuf for the disposition of these funds.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. To the extent it is understood, the Plaintiff has always provided a full accounting to Fathi Yusuf from time to time, as requested over the years, including the \$536,405 check which was spent as agreed by the parties. However, as to this specific inquiry about the \$536,405 check, after reasonable inquiry, this request cannot be fully responded to due to the passage of time and the lack of records for that time period. Hence, it is denied.

31. Admit that when Plaza Extra-East first opened for business, Hamed agreed with Yusuf that rent would be paid to United based on the price of \$5.55 per square foot occupied.

Deny, as no such agreement was ever made.

32. Admit that no rent has been paid by Plaza Extra-East to United for the period from January 1, 1994 through May 4, 2004.

Deny, as rent was paid in cash to Fathi Yusuf as he requested from time to time.

33. Admit that you and your brothers sent monies from the Plaza Extra Stores to your father, Hamed in Jordan before and after his retirement in 1996.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. To the extent it is understood, monies were sent to Mohammad Hamed with the full knowledge and consent of the Yusufs

34. Admit that you loaned monies from the Plaza Extra Stores to third parties who made repayments directly to you.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

35. Admit that you believed it would be detrimental to your father's interests to advise federal authorities during the Criminal Case or to allege publically that the Plaza Extra Stores were operated as a partnership between Hamed and Yusuf.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. It is also objected as seeking confidential information that is protected by the attorney-client privilege.

36. Admit that your declaration dated August 24, 2014 is the first time you have stated that the rent claimed due by United for the period from January 1, 1994 to May 4, 2004 has in fact been paid.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period, as it is unknown if any bogus claim that rent was unpaid was ever made since it had in fact been paid. It was never raised at any prior time or during the 2012 settlement of all past rents. Hence, it is denied.

37. Admit that you and your father have produced no documents and can produce no documents relating to the cash payment of rent to United for any period of time.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

38. Admit that Hamed and Yusuf have scrupulously maintained records of withdrawals from the Plaza Extra Stores to each of them (and their respective family members), to make certain there would always be an equal (50/50) amount of these withdrawals for themselves or to designated family members.

This request is objected to as ambiguous, as the term "scrupulously" is overly broad in order to comprehend in determining what Plaintiff is being asked to admit. To the extent this request is understood, the intent has always been to document all withdrawals by each family member to make sure the withdrawals/expenditures are 50/50, as has been done previously In the past from time to time. As stated above, it has since been determined that United was taking funds by covering its own payments with Plaza Extra funds. Moreover, as Mike Yusuf testified, many such receipts were destroyed by him and others by mutual agreement.

39. Admit that an accurate and complete accounting can be given as to the withdrawals from the Plaza Extra Stores to Hamed and Yusuf (and their respective family members).

Denied. Moreover, as Mike Yusuf testified, many such receipts were destroyed by him and others by mutual agreement.

40. Admit that you and your brothers "skimmed" monies from the funds not reported as income which were the subject of the Criminal Case.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Notwithstanding this fact, United has admitted that it skimmed funds. Fathi Yusuf has stated that he was in charge of all aspects of the office and business, so all funds were removed as he directed.

41. Admit that you and your brothers knew and understood that removal of monies from the Plaza Extra Stores without reporting it as income was done to evade taxes and that you, Hamed and your brothers personally benefited from these actions.

Object to as unduly overbroad and confusing, as the withdrawal of monies is not necessarily the same as income. Also object to as compound and seeking information about my brothers' state of mind. Hence, this request is denied. Notwithstanding this fact, United has admitted that it skimmed funds. Fathi Yusuf has stated that he was in charge of all aspects of the office and business, so all funds were removed as he directed.

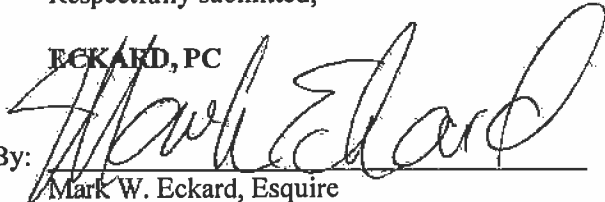
42. Admit that you and your brothers knowingly and actively participated in the removal of monies from the Plaza Extra Stores without reporting it as income.

Object to as unduly confusing and overbroad, as the withdrawal of monies is not necessarily the same as income. Also object to as compound and seeking information about my brothers' state of mind. Hence, this request is denied. Notwithstanding this fact, United has admitted that it skimmed funds. Fathi Yusuf has stated that he was in charge of all aspects of the office and business, so all funds were removed as he directed.

Respectfully submitted,

ECKARD, PC

By:

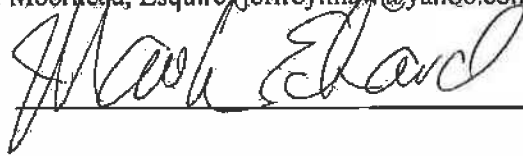
  
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Dated: September 26, 2014

Counsel to Waleed, Mufeed and Hisham Hamed

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of September 2014, I served a copy of the foregoing in compliance with the parties consent, pursuant to Fed. R. Civ. P. 5(b)(2)(E), to electronic service of all documents in this action on: Nizar A. DeWood, Esquire (dewoodlaw@gmail.com); Gregory H. Hodges, Esquire (ghodges@dtflaw.com); Joel H. Holt, Esquire (holtvi@aol.com); and Jeffrey B.C. Moorhead, Esquire (jeffreymlaw@yahoo.com).

  
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such request were asked of, or any statement contained therein were made by, a witness present and testifying in court, all of which objections and grounds are hereby reserved and may be interposed at the time of trial.

Moreover, the following answers are based upon information presently available to Waleed Hamed and, except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that he has answered or objected to any Interrogatory should not be taken as an admission that he accepts or admits the existence of any facts set forth or assumed by such Response, or that such answer constitutes admissible evidence. The fact that he has answered part or all of any such Interrogatory is not intended and shall not be construed to be a waiver by him of all or any part of any objection to such Interrogatory.

### **GENERAL OBJECTIONS**

Waleed Hamed makes the following general objections to the Interrogatories: although these general objections apply to all of the Interrogatories, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Interrogatory. The assertion of the same, similar or additional objections in the individual objections to these Interrogatories, or the failure to assert any additional objections to an Interrogatory does not waive any of the objections as set forth below:



1. Waleed Hamed objects to each Interrogatory that seeks information that is not relevant to the claims asserted against him in this case.
2. Waleed Hamed objects to each Interrogatory to the extent it seeks the disclosure or production of information protected by the attorney-client, work product or other privileges.
3. Waleed Hamed objects to each Interrogatory that seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.
4. The information sought by any Interrogatory may be as much as twenty-seven (27) years old. Thus any information provided herein may not be, and should not be considered complete, and may be subject to supplementation if additional information becomes available.
5. Waleed Hamed objects to each Interrogatory that seeks information that is barred by the relevant statute of limitations.
6. Waleed Hamed objects to defined terms and instruction to the extent that they vary from applicable law and/or impose different objections than those set forth in the Federal Rules of Civil Procedure.

Subject to these objections, the responses are as follows:

*1. Identify each person who assisted in answering these interrogatories and the accompanying requests for admission, or provided any information whatsoever to assist with preparing your responses to the interrogatories and requests for admission.*

Object to as calling for information protected by the attorney-client privilege. Otherwise, no one.

*2. Describe your understanding of the 2001 Partial Reconciliation whether it took place, exactly what was done, who was involved, and how so, the results of the partial reconciliation and what became of the receipts tabulated during the partial reconciliation.*

I do not know if it was in 1999 or 2001 but my recollection as to what happened is similar to Mike Yusuf's deposition testimony at United's 30-b-6 deposition, except that the amounts discussed were never the subject of any litigation to collect them and are now time-barred under the applicable statute of limitations. If they were

not time barred, they would be subject to off-sets well in excess of said amounts anyway, as the reconciliation did not cover many items, as Mike Yusuf acknowledged in the referenced deposition.

*3. If you dispute the removal of the \$2.7 million by Yusuf pursuant to the August 15, 2012 letter identified at FY004123-FY004210 and attached receipts, please describe in detail each and every item disputed as well as what amounts you contend should be off-set and identify any and all documentation supporting your contention.*

The referenced letter had no attachments, so this Interrogatory is objected to as worded. Additionally, the referenced reconciliation was only a *partial* reconciliation, as Mike Yusuf stated in the Rule 30-b-6 deposition of United, which was time barred as an offset by 2012, as noted in response to Interrogatory 2. Likewise, even if not time barred, it did not include many other accounts, including but not limited to, sums due from Dorothea as noted in the response to that letter, improper payments made to United's counsel, DiRuzzo, payments made at the direction Yusuf of debts for United from Plaza's accounts or even (back then) the accounting from the other stores.

*4. Please identify all checking, savings, credit, investment, trust, or escrow accounts, you have or had in your name or upon which you had signatory authority to write checks and withdraw funds at any bank or financial institution anywhere in the world from 1986 through the present and the date the accounts were opened and closed, if any are closed, including but not limited to:*

- a. Banque Fracaise Commerciale Account No. 3878-91*
- b. Banque Fracaise Commerciale Account No. 3878-90*
- c. Scotia Bank Account No.00308313*
- d. VI Community Bank Account No. 6086*
- e. VI Community Bank Account No. 5817*
- f. Banco Popular 194-602753*
- g. Merrill Lynch 140-16184*
- h. Merrill Lynch 140-85240*
- 1. Banco Popular Visa - Account ending in 2319*
- J. Banco Popular Visa - Account ending in 2204*
- k. Amex Gold Card-Account No. 3782-925489-33001*
- i. Cairo Amman Bank - Account No. 02 501 171878 00*

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, to the extent this information exists, it was supplied in response to the request for documents.

*5. What is your explanation for the amounts listed as investment losses on Bates No. UC00203-4 of your 1993 Income Tax return, including how, when and from what source you received the funds for such investments, what brokerage account(s) were used for these investments, or, if you contend that the 1993, 1994 and 1995 Income Tax returns were in error, explain when you discovered the error and what you did, if anything, to correct the error identifying any documentation reflecting this error and your corrective actions.*

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, it was an error by the accountant. I did not focus on it until it was raised in these proceedings, but Fathi Yusuf knows the accounts in question were his, as he was using another name, Mohammad Hamden, to trade stocks to avoid paying taxes on the trades.

*6. Describe all of the means and method by which the Yusuf and Hamed family would withdraw funds from the Plaza Extra Stores for their personal benefits.*

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, the response is the same answer as given by Yusuf in response to this identical question in response to Willie Hamed's interrogatories, which is incorporated herein by reference, as he was the one who set everything up.

*7. Describe all the means and method by which the Yusuf and Hamed families would account, note or keep track of withdrawals either from the safes or the Plaza Extra Stores' accounts, including any ledgers, books, sign-off sheets, receipts, loans, checks or any other means, including who specifically had access to the funds, whether the removal methods changed over time (i.e. before and after the FBI raid and the Criminal Case).*

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, the response is the same answer as given by Yusuf in response to this identical question in response to Willie Hamed's interrogatories, which is incorporated herein by reference, as he was the one who set everything up.

*8. Have you or anyone under your direction ever removed, secreted, tampered with, altered or destroyed any information reflecting the withdrawals of the Hamed and Yusuf families from the Plaza Extra Stores' funds at any point in time and, if so, please describe in detail what was done and why?*

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, as described in Mike Yusuf's deposition testimony at United's 30-b-6 deposition, records were destroyed after this reconciliation in 1999 or 2001.

*9. Please describe in detail the entire transaction involving the Batch Plant, including what amounts were supposed to be transferred, who instructed the transfer, who executed the transfers, how the funds were transferred, what monies were transferred from which accounts, what monies were received in which amounts, when they were transferred and identify any and all documents reflecting the funds transferred and received and your explanation for any amounts intended for the Batch Plant that were not received.*

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, this request is objected to as irrelevant and not likely to lead to relevant testimony, as this was a donation by my father—not money owed to any party here. Indeed, Fathi Yusuf testified he was not pursuing any such amounts here.

*10. Please describe the manner in which members of the Hamed and Yusuf families were able to withdraw money from the safes at the three Plaza Extra Stores, including who was responsible for which store safes during all times between 1986 and December 31, 2003, what was required to withdraw cash and how withdrawals were*

*accounted for and whether a family member could have removed cash without providing documentation.*

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, the response is the same answer as given by Yusuf in response to this identical question in response to Willie Hamed's interrogatories, which is incorporated herein by reference, as he was the one who set everything up.

*11. Please describe in detail the purpose of the \$536,405.00 check in attachment A hereto made payable to Hamed, the source of the monies which funded this check and what was done with the proceeds of this check.*

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, **Yusuf has said that he does not seek damages for what were a charitable contribution by Hamed, which is related to this check. In any event, all checks signed by me were done so at the direction and knowledge of Fathi Yusuf.**

*12. Please identify all documents relating to any cash, checks or wire transfers from any Plaza Extra Accounts to Hamed and Yusuf, their family members or to third parties on their behalves from January 1, 1986 to date and your contention as to what amounts have been withdrawn by each family.*

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, the documents required to answer this do not exist to the best of my knowledge, other than those documents previously produced in response to the request for documents. See bates numbered documents: HAMD606323-HAMD606325 and HAMD603645-HAMD604048.

*13. Describe any and all discussions you have had with Fathi Yusuf regarding the rent to be paid by Plaza Extra-East to United including, but not limited to, the amount of rent to be paid and the collection of the rent for the period January 1, 1994 through May 4, 2004.*

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, in 2011 I agreed to resolve the outstanding rent owed by Plaza to United in discussions with Fathi Yusuf and Plaza then paid United over \$5 million to settle the outstanding rent claims.

14. As to the funds Yusuf used to trade stocks, please describe your role in depositing or approving the use of an additional funds after losses were sustained.

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, **I made deposits as directed by Fathi Yusuf, but I did not know he was still trading options and losing millions of dollars, nor did I ever override my Father's instructions that Fathi Yusuf stop trading options. While he now says he "assumes" this was the case because I continued to put funds in the account, there was never was any such discussion or understanding.**

15. What is the source of funds used for the cash portion of the preliminary injunction bond posted in this case.

Object as to irrelevant and not likely to lead to discoverable information.

16. What is the source of funds for the acquisition and operation of the businesses known as Five Comers and Five-H Holdings, Inc. and any other businesses you have an ownership interest in apart from the Yusuf family and describe when the entities were organized and how they are owned?

Object as to irrelevant and not likely to lead to discoverable information.

17. Describe in detail the basis for issuing the check dated March 27, 2013 in the amount of \$460,000 drawn on the account of Plessen Enterprises, Inc. and payable to you, your rationale for then subsequently depositing \$230,000 with the Clerk of the Superior Court after Yusuf's son filed a complaint contesting the \$460,000 removal and what was done with the proceeds of that check?

Object as to irrelevant and not likely to lead to discoverable information. Subject to this objection, the Yusufs had stolen \$2.7 million from a joint account. The money was removed to protect it from looting by them again. One-half was deposited to the Court accounts representing the Yusuf's 50% interest in these funds and the Yusufs have been given a stipulation to withdraw their share.

I, Waleed Hamed, declare under penalty of perjury, pursuant to 28 U.S.C. Section 1746, that the foregoing interrogatory responses are true and correct.

Dated: September 26, 2014

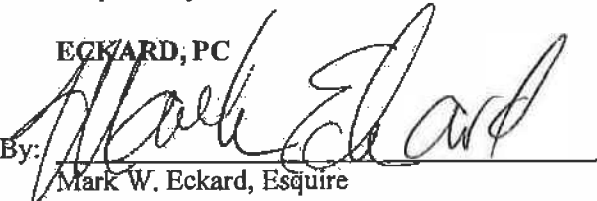
  
\_\_\_\_\_  
Waleed "Wally" Hamed

Respectfully submitted,

**ECKARD, PC**

Dated: September 26, 2014

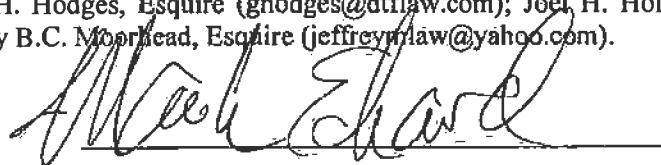
By:

  
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Counsel to Waleed, Mufeed and Hisham Hamed

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of September 2014, I served a copy of the foregoing in compliance with the parties consent, pursuant to Fed. R. Civ. P. 5(b)(2)(E), to electronic service of all documents in this action on: Nizar A. DeWood, Esquire (dewoodlaw@gmail.com); Gregory H. Hodges, Esquire (ghodges@dtflaw.com); Joel H. Holt, Esquire (holtvi@aol.com); and Jeffrey B.C. Moorhead, Esquire (jeffreymlaw@yahoo.com).

  
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**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

<b>MOHAMMAD HAMED</b> , by his authorized agent <b>WALEED HAMED</b> ,	)	
	)	
Plaintiff/Counterclaim Defendant,	)	CIVIL NO. SX-12-CV-370
	)	
vs.	)	ACTION FOR DAMAGES, INJUNCTIVE RELIEF AND DECLARATORY RELIEF
	)	
<b>FATHI YUSUF and UNITED CORPORATION</b> ,	)	
	)	
Defendants/Counterclaimants,	)	
	)	
vs.	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>WALEED HAMED, WAHEED HAMED, MUFEED HAMED, HISHAM HAMED, and PLESSEN ENTERPRISES</b> ,	)	
	)	
Additional Counterclaim Defendants.	)	
	)	
	)	

**STIPULATION**

Defendant Fathi Yusuf (“Yusuf”), United Corporation (“United”), Mohammed Hamed (“Hamed”), Waleed Hamed (“Waleed”), Waheed Hamed (“Waheed”), Mufeed Hamed (“Mufeed”) and Hisham Hamed (“Hisham”)(each of whom are referred to collectively as the “Parties”), by and through their respective counsel, hereby stipulate that, pursuant to LRCi 37.1, they participated in various telephonic conferences in an attempt to resolve as many disputed issues as possible relating to the discovery exchanged between them. The Parties further stipulate that despite the Parties’ efforts to resolve their differences regarding their discovery disputes, they remain unable to resolve their differences regarding the Parties’ discovery requests, responses, objections and production as exchanged between them.






Respectfully submitted,



**DUDLEY, TOPPER and FEUERZEIG, LLP**

Dated: October 6 2014

By:   
Charlotte K. Perrell (V.I. Bar No. 1281)  
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Attorneys for Fathi Yusuf and United Corporation

Dated: October 6 2014

By: /s/   
Carl J. Hartmann, Esq.   
\*\* Counsel indicated he has permission to execute  
this stipulation on behalf of Plaintiff and all the  
Counterclaim Defendants.  
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Attorney for Waheed Hamed and Co-Counsel as to  
Mohammad Hamed

**ECKARD, P.C.**

Dated: October 6, 2014

By: /s/ Cael Hartmann  
Mark W. Eckard *with express permission by Counsel*

\*\*\* Counsel Hartmann indicated he has permission to execute this stipulation on behalf of Plaintiff and all the Counterclaim Defendants.

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Attorneys for Waleed Hamed, Mufeed Hamed and Hisham Hamed

Dated: October 6, 2014

By: /s/ Cael Hartmann  
Joel Holt, Esq. *with express permission by Counsel*  
\*\* Counsel Hartmann indicated he has permission to execute this stipulation on behalf of Plaintiff and all the Counterclaim Defendants.

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Attorney for Mohammad Hamed