

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

SIXTEEN PLUS CORPORATION, ,

Plaintiff/Counterclaim Defendant,

v.

MANAL MOHAMMAD YOUSEF

Defendant/Counterclaim Plaintiff

CIVIL NO. ST-16-CV- 0065


**ACTION FOR
DECLARATORY JUDGMENT**

JURY TRIAL DEMANDED

NOTICE OF INTENT TO SERVE SUBPOENA

PLEASE TAKE NOTICE that on June 14, 2017, or as soon thereafter as service may be effectuated, and pursuant to V.I.R. Civ. P. 45 as adopted by this Court, the undersigned will issue and serve the Subpoenas attached hereto as "Exhibit A", for the production of the items listed in said Subpoenas at the time and place specified therein.

Dated: June 14, 2017


Joel H. Holt, Esq. (Bar # 6)
Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, VI 00820
Email: holtvi@aol.com
T:(340) 773-8709 / F: (340) 773-8677

Mark W. Eckard (VI Bar No. 1051)
HAMM ECKARD, LLP
5030 Anchor Way, Suite 13
Christiansted, VI 00820-4692
T:(340) 514-2690 / F: (855) 456-8784
Email: meckard@hammeckard.com

CERTIFICATE OF SERVICE

I certify that his filing complies with the page and word limitations of the VI R Civ P 6-1(e). I further certify that on the 14th day of June, 2017, I caused a true and correct copy of the foregoing document to be served as follows.

Email/Hand Deliver/Mail

jim@hymeslawvi.com
rauna@hymeslawvi.com

James Hymes, VI, Esq.
1131 King Street
Suite 309
Christiansted, VI 00820

James Hymes VI, Esq.
P.O. Box 990
St. Thomas, Virgin Islands 00804

A handwritten signature in blue ink, appearing to be "James Hymes", written over a horizontal line.

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SUBPOENA DUCES TECUM (RECORDS ONLY)

NO ORAL TESTIMONY WILL BE TAKEN

**(IF REQUESTED RECORDS ARE MAILED IN OR DELIVERED
PRIOR TO DEPOSITION DATE, YOU NEED NOT APPEAR)**

**TO: KYE WALKER
2201 CHURCH STREET, SUITE 16AB
CHRISTIANSTED, VI 00820**

PLEASE TAKE NOTICE that pursuant to V.I.R. Civ. P. 45, you are hereby commanded to appear at the **Law Office of Joel H. Holt, located at 2132 Company Street, Christiansted, VI 00820** on **Tuesday, July 12, 2017 at 10:00 a.m.** and to have with you at that time and place the following documents which can be sent by mail prior to said date, as follows:

- 1. All written communications exchanged with Manal Yousef since January 1, 2015 regarding the above captioned matter;**
- 2. All written communications exchanged with Fathi Yusuf since January 1, 2015 regarding the above captioned matter;**
- 3. All written communications exchanged with any lawyer in the law firm of Dudley, Topper and Feuerzeig since January 1, 2015 regarding the above captioned matter;**

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. **You may comply with this subpoena by giving legible**



copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition to preparation of the copies upon the payment in advance of the reasonable costs of preparation. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above.

Please note that if you claim a privilege as to any requested document, please provide a privilege log, as V.I.R. Civ. P. 45 (c)(2) states in relevant part:

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

This subpoena is issued pursuant to V.I.R. Civ. P. 45. Pursuant to V.I.R. Civ. P. 45(a)(1)(D), you are hereby advised that Rule 45(c) and (d) provide as follows:

(c) Protection of Persons Subject to Subpoenas

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.


(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When the information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Dated: June 14, 2017

Requested by:



Joel H. Holt, Esq., VI Bar No. 6
2132 Company Street
Christiansted, VI 00820
Telephone: (340) 773-8709
holtvi@aol.com

CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page or word limitation set forth in Rule 6-1(e) and that on this 14 day of June, 2017, I caused a copy of the foregoing document to be served via email and to be mailed via regular United States Mail, postage pre-paid, to:

Email/Hand Deliver/Mail

jim@hymeslawvi.com
rauna@hymeslawvi.com

James Hymes, VI, Esq.
1131 King Street
Suite 309
Christiansted, VI 00820

James Hymes VI, Esq.
P.O. Box 990
St. Thomas, Virgin Islands 00804

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**TO: FATHI YUSUF
4-C & D SION FARM
CHRISTIANSTED, VI 00820**

PLEASE TAKE NOTICE that pursuant to V.I.R. Civ. P. 45, you are hereby commanded to appear at the **Law Office of Joel H. Holt, located at 2132 Company Street, Christiansted, VI 00820** on **Tuesday, July 12, 2017 at 10:00 a.m.** and to have with you at that time and place the following documents which can be sent by mail prior to said date, as follows:

- 1. All written communications exchanged with Manal Yousef since January 1, 2009;**
- 2. All written communications exchanged with Kye Walker since January 1, 2015 regarding the above captioned matter;**
- 3. All written communications exchanged with the lawyer from St. Martin identified in the letter attached as Exhibit 1.**

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. **You may comply with this subpoena by giving legible**

copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition to preparation of the copies upon the payment in advance of the reasonable costs of preparation. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above.

Please note that if you claim a privilege as to any requested document, please provide a privilege log, as V.I.R. Civ. P. 45 (c)(2) states in relevant part:

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(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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Dated: June 14, 2017

Requested by



Joel H. Holt, Esq., VI Bar No. 6
2132 Company Street
Christiansted, VI 00820
Telephone: (340) 773-8709
holtvi@aol.com

CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page or word limitation set forth in Rule 6-1(e) and that on this 14 day of June, 2017, I caused a copy of the foregoing document to be served via email and to be mailed via regular United States Mail, postage pre-paid, to:

Email/Hand Deliver/Mail

jim@hymeslawvi.com
rauna@hymeslawvi.com

James Hymes, VI, Esq.
1131 King Street
Suite 309
Christiansted, VI 00820

James Hymes VI, Esq.
P.O. Box 990
St. Thomas, Virgin Islands 00804

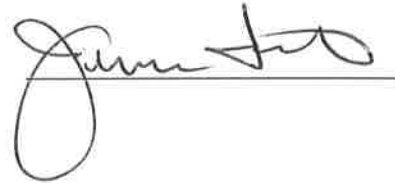
A handwritten signature in black ink, appearing to read "James Hymes", is written over a horizontal line. The signature is stylized and cursive.

EXHIBIT 1

Sixteen Plus Corporation
4 C & D Sion Farna .
Christiansted
St. Croix 00820, U.S.V.I.

Par Courier

St. Maarten, December 12, 2012

Ref.: **Manal Mohamad Yousef / Collection loan**

Dear Sir, Madame,

My client Manal Mohamad Yousef requested me to inform you of the following.

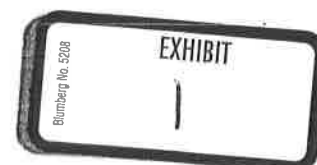
As it appears from documents in my possession your company owes client an amount of no less than US\$ 14,612,662.23 (Fourteen Million Six Hundred Twelve Thousand Six Hundred Sixty Two United States Dollars and Twenty Three Dollar Cent), for both principle and interest, based on a promissory note between client and your company dated September 15, 1007 and a First Priority Mortgage dated February 22, 1999. Apart from this your company owes client at least an amount of US\$ 3,000,000.00 for late penalties.

Client is no longer willing to accept your negligent payment behavior and hereby summons you to pay off the entire debt mentioned, to the total of **US\$ 17,612,662.23**, to client within two (2) weeks from the postdating of this letter. Failure to comply therewith shall result in legal measures taken against your company forthwith, the costs of which will be for your account only.

Sincerely yours,



Jelmer G. Snow



JOEL H. HOLT, ESQ. P.C.

2132 Company Street, Suite 2
Christiansted, St. Croix
U.S. Virgin Islands 00820

Tele. (340) 773-8709
Fax (340) 773-8677
E-mail: holtvi@aol.com

December 24, 2012

Jelmar G. Snow, Esq.
BZSE
Kudu Driver #2, Bel Air
P.O. Box 373, Philipsburg
Sint Maarten

Via fax 599-542-7551 and mail

Re: Manal Mohamad Yousef/Sixteen Plus, Inc.

Dear Mr. Snow:

I understand why you rudely hung up on me on Friday, as you now obviously realize that you should have never sent the letter in question to Sixteen Plus, Inc. Aside from the fact that you are effectively practicing law in a jurisdiction where you are not admitted, you sent a letter on behalf of a person, Manal Mohamad Yousef, whom you have apparently never met or spoken with--and who appears to never have authorized you to send that letter.

Indeed, I do not understand why a lawyer in Sint Maarten would not question the propriety of being asked by someone from the Virgin Islands to send a demand letter to someone in the Virgin Islands involving real property located in the Virgin Islands. It is hard to believe that this scenario did not make you suspicious when you were retained by Mr. Yusuf to send this letter.

I suspect Mr. Yusuf assured you it was proper, but in my view you have an independent duty to verify certain basic facts about the matter before sending such a letter under the questionable circumstances in question. Had you inquired further, you would have found that Mr. Yusuf's family owns one-half of Sixteen Plus, Inc. Obviously he appears to be using your services to try to obtain the other 50% shareholder's interest. Of course, if the mortgage were valid, your alleged client, Manal Mohamed Yousef, would be adverse to your actual client, Mr. Yusuf.

If you had inquired further you would also have discovered that Mr. Yusuf, along with the United Corporation and others, was indicted by the taxing authorities in the Virgin Islands in 2003. While the case against Mr. Yusuf (and others) was finally dropped in

2010, the United Corporation, whom I suspect actually paid for your services, remains under indictment.

Finally, if you had inquired further, you would have discovered that Mr. Yusuf is involved in civil litigation with his partner here, which indirectly involves the asset owned by Sixteen Plus, Inc. Had you known this, you might have thought to ask him why he did not use any of the multiple lawyers he has already retained (who are admitted here) to send the letter you sent.

In due course, the mortgage will be proven to be invalid in my opinion, but I question whether you should remain involved any further in this matter in this jurisdiction unless (1) you can produce something in writing demonstrating that you have authorization to represent Manal Mohamed Yousef which (2) also waives any conflict you appear to have in representing Mr. Yusuf at the same time. I would be very interested in seeing such a document. If you do decide to become involved further here, you might also look into the law in the Virgin Islands regarding what should be included in a demand letter.

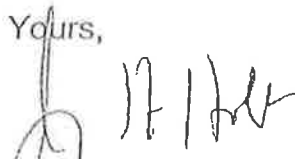
You also commented on the timing of my call, as the holidays are here, but you are the one who dictated the timing by requesting a response by December 26, 2012. I had called twice earlier in the week, as I had hoped a phone call would resolve this matter, but since you requested a written response when we finally spoke on Friday, please consider this letter as that response.

Finally, as for your comment about "American" lawyers, if you take the time to check me out, you will find I have an excellent reputation as well, despite what Mr. Yusuf might say. Indeed, Mr. Yusuf would do far better trying to amicably resolve these matters with his partner than resorting to such tactics like having a Sint Maarten Lawyer send a demand letter to a company in which his family has a 50% interest. In any event, while I do not like sending letters like this one, neither you nor Mr. Yusuf has left me any other alternative.

Please let me know if you have any questions or if you think there is additional information I should know. I am always glad to discuss anything you think I may have misunderstood or overlooked. However, if you wish to communicate with Sixteen Plus, Inc., please do so in writing sent to my attention at the above address.

Enjoy the rest of the holidays.

Yours,



Joel H. Holt
JHH/jf

Subj: Your letter of today
Date: 12/24/2012 11:55:30 A.M. Atlantic Standard Time
From: jsnow@bzselaw.com
To: Holtvi@aol.com

Dear Mr. Holt,

Apart from not being aware of any 'rude hang up' on your unannounced interrogative phone call of last Friday, please be notified that I am not accustomed to interrogations being conducted by opposing (American) lawyers through phone calls and see **no** reason to cooperate therewith. In case you find it necessary to interrogate me for whatever reason, you are **strongly** advised to follow the proper procedure(s).

I will discuss the relevant parts of your letter with client and will get back to you in due time.

Sincerely,

mr. Jelmer G. Snow
Attorney at Law



Attorneys at Law | Tax Lawyers

Kudu Drive 2, Belair
P.O. Box 737
St. Maarten
Tel: +1 (721) 542.3832 / +1 (721) 542.7550
Fax: +1 (721) 542.7551
Mobile: +1 (721) 554.4757
jsnow@bzselaw.com
www.bzselaw.com

CONFIDENTIALITY NOTICE

The information contained in this e-mail and any attachments is strictly confidential. If you have received this e-mail in error please delete this e-mail and any attachment without copying. You are not allowed to read, copy or disclose in any way the contents of this e-mail, any attachments or any part thereof.

EXCLUSIVE CONTRACTING PARTY:

BergmanZwanikkenSnowEssed Attorneys at Law is the trade name of a partnership of limited liability companies, registered with the trade register on the Country of Sint Maarten. BergmanZwanikkenSnowEssed is the exclusive contracting party in respect of all commissioned work.

LIMITED LIABILITY NOTICE:

All our services as well as all relations with third parties are governed by the General Terms & Conditions of BergmanZwanikkenSnowEssed, which include a limitation of liability. These terms have been filed with the Court of First Instance, seat Sint Maarten and will be sent to you – free of charge – upon request.

From: Stefan B. Herpel <sherpel@dtflaw.com>
To: Joel Holt <holtvi@aol.com>
Cc: nizar <nizar@dewood-law.com>; carl <carl@carlhartmann.com>; kimjapinga <kimjapinga@gmail.com>
Subject: RE: Supplemental Discovery Responses
Date: Fri, Aug 5, 2016 4:09 pm

Joel,

I am on vacation through part of next week. Here are my responses to your numbered paragraphs:

1. I will supplement with the nature of the conversation with the agent.

2. I stand by my objection to providing a phone number for Manal Yousef, and rely on what I stated in the objection and the decision in Nathaniel v. American Airlines, 2008 U.S. Dist. LEXIS 95336 (D. V.I. 2008). ↙

3. I stand by my statement in the supplemental Rule 34 response that based on a reasonable search there are no other documents responsive to your request. I believe that supplemental response to your request is sufficient under the Rules (and I thought from our meet and confer that is what you wanted), and that I am not under any duty to go into more detail.

Mr. Yusuf is returning imminently to the islands and I should be able to get a scanned signature page to you by Tuesday, along with the supplemental information I described in interrogatory 1.

Regards,

Stefan

From: Joel Holt [holtvi@aol.com]
Sent: Monday, August 01, 2016 7:23 AM
To: Stefan B. Herpel
Cc: nizar@dewood-law.com; carl@carlhartmann.com; kimjapinga@gmail.com
Subject: Re: Supplemental Discovery Responses

Stefan-can you respond to the email below?

Joel H Holt
 32 Company St.
 Christiansted, VI 00820
 301-773-8709

On Jul 26, 2016, at 4:21 PM, Joel Holt <holtvi@aol.com<mailto:holtvi@aol.com>> wrote:

Stefan-I reviewed these new responses and there are still several deficiencies:

Interrogatory Response #5-The original interrogatory response indicated the last communication was with an agent for Manal Yousef—thus, we had expected supplementation to deal with communications with that agent. As the supplemental response deleted references to this agent, can you please provide the name and

address of the agent and describe the communications with this agent.

) Supplemental Interrogatory Response #5-I appreciate the supplementation of this response, but your client is still required to produce Manal Yousef's phone number under Rule 26 as well as this request— please provide it.

) Supplemental Document Response #13-The documents you referenced as documents exchanged with Manal Yousef only include the deed, mortgage, mortgage note and certain wire transfers from someone else – please confirm there are no letters, faxes, emails, documents showing any interest payments to her (as alleged were made), powers of attorney, pre-mortgage negotiations or any other documents exchanges with our client and her or her agent

) Interrogatories-I still need a verification page from your client.

Please get back to me as soon as possible so we can resolve these last few issues.

Joel H. Holt, Esq.
 132 Company Street
 Christiansted, St. Croix
 U.S. Virgin Islands 00820
 (40) 773-8709

---Original Message---

From: Stefan B. Herpel <sherpel@dtflaw.com<<mailto:sherpel@dtflaw.com>>>

To: 'Joel Holt' <holtvi@aol.com<<mailto:holtvi@aol.com>>>

cc: Nizar A. DeWood, Esq. (nizar@dewood-law.com<<mailto:nizar@dewood-law.com>>) <nizar@dewood-law.com<<mailto:nizar@dewood-law.com>>>

Sent: Thu, Jul 21, 2016 8:14 pm

Subject: Supplemental Discovery Responses

Joel,

Attached are the supplemental responses to the interrogatories and documents requests in the Sixteen Acres/Peter's Farm case. I appreciate your patience in waiting for this supplementation.

I believe that these supplementations address the issues raised in our meet and confer, and that they will moot the need for you to file the motion to compel alluded to in your email of this morning.

I will owe you a certification page. Mr. Yusuf is out of town, and I will provide that to you as soon as he returns. I don't have a secretary at this hour, and will send the originals of these attachments by mail tomorrow.

Regards,

Stefan