

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

MANAL MOHAMMAD YOUSEF *a/k/a*  
MANAL MOHAMAD YOUSEF,

Plaintiff,

v.

SIXTEEN PLUS CORPORATION,

Defendant.

CIVIL NO. ST-17-CV- 342

**ACTION FOR DEBT AND  
FORECLOSURE**

**COUNTERCLAIM FOR  
DAMAGES**

**JURY TRIAL DEMANDED**

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SIXTEEN PLUS CORPORATION,

Counterclaim Plaintiff,

v.

MANAL MOHAMMAD YOUSEF *a/k/a*  
MANAL MOHAMAD YOUSEF and  
FATHI YUSUF,

Counterclaim Defendants.

**OPPOSITION TO PLAINTIFF'S MOTION TO DISQUALIFY DEFENSE COUNSEL**

The Plaintiff has moved to disqualify defense counsel, Joel Holt, because his firm has hired Robin Seila, a former law clerk to the Honorable Douglas A. Brady.<sup>1</sup>

For the reasons set forth herein, it is respectfully submitted that the motion should be denied. Several preliminary comments are in order, as there was full compliance here with the applicable rules of the Supreme Court of the Virgin Islands.

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<sup>1</sup> Plaintiff's counsel filed two identical motions on the same day in cases pending before other Judges of this Court, pending as SX-16-cv-65 and SX-16-cv-650, which can be supplied if requested. The response to each motion is essentially identical as well.

Indeed, such motions are disfavored. *See, e.g., Cubica Grp., LLLP v. Mapfre Puerto Rican Am. Ins. Co. (MAPFRE)*, No. 3:11-CV-108, 2012 WL 5331257, at \*3 (D.V.I. Oct. 29, 2012) (“Motions to disqualify are viewed with disfavor and disqualification is considered a drastic measure which courts should hesitate to impose except when absolutely necessary”).

First, this case was filed on August 31, 2017, after Robin Seila was no longer employed by the Court. Thus, she could not have ever worked on this case.

Second, Manal Yousef has not referenced a single case in which she was involved that was previously assigned to Judge Brady. While there is protracted litigation involving Fathi Yusuf, Manal Yousef’s uncle, and Mohammad Hamed before Judge Brady, **Yousef has denied she has spoken with Fathi Yusuf since 1996 about the loans she is now trying to foreclose**. *See* Yousef Interrogatory Response #13 in a related action, attached **Exhibit 1**.<sup>2</sup> Thus, it is interesting that she now concedes there **is** a connection between herself and Fathi Yusuf -- by asserting that the involvement of the undersigned counsel in those allegedly unrelated Yusuf proceedings should now be a basis for disqualification here.

Despite her denials, the undersigned counsel has always believed and asserted that there is a conspiracy between Fathi Yusuf and Manal Yousef and that they are trying to perpetrate a fraud on Sixteen Plus, Corp. (and this Court) by asserting the obviously sham mortgage is valid. Indeed, as Yusuf’s family owns 50% of Sixteen Plus, while his sworn adversaries, the Hameds, own the other 50%, it is respectfully

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<sup>2</sup> There is a pending motion to consolidate that case with this action.

submitted that Fathi Yusuf is just using Manal Yousef to try to get 100% of this valuable property for himself.<sup>3</sup>

Third, prior to Attorney Seila commencing work with the Law Firm of Joel H. Holt, P.C., counsel sent a letter to Yousef's lawyer, James Hymes, outlining the "Chinese Wall" that he was implementing in anticipation of her employment, to which Hymes never responded with any additional suggestions. That plan has been fully implemented. See **Exhibit 2**.

With the foregoing comments in mind, counsel will respond to Yousef's arguments.

**I. The employment of former Law Clerk is not a basis for disqualification**

There is no *per se* basis for disqualifying a lawyer or law firm for hiring a former law clerk. To the contrary, the question is controlled entirely by an applicable rule adopted in this jurisdiction **which expressly allows such employment so long as certain guidelines are followed**, as set forth in V.I. S. Ct. R. 211.1.12, which provides in relevant part as follows:

- (a) Except as stated in paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a . . . law clerk to . . . .
- (b) . . . . A lawyer serving as a law clerk . . . may negotiate for employment with a party or lawyer involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge . . . .
- (c) If a lawyer is disqualified by paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless:

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<sup>3</sup> Indeed, the undersigned counsel is sure Yusuf and his lawyers are behind the filing of this motion, which is identical to the one they filed in another case. Coincidence? Hardly.

(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this rule.

Thus, this is a "safe harbor" -- so long as there is compliance with this rule, it is perfectly acceptable for a law firm to continue handling a case that the law clerk may have worked on. In short, there is no *per se* disqualification for a firm that hires a former law clerk, so long as *defined* steps have been taken to *screen* the law clerk from participation in the matter.<sup>4</sup>

The rule, like V.I. S. Ct. R. 211.1.11, which does the same for former government lawyers, contemplates law firms hiring law clerks without fear of being disqualified so long as the required screening mechanism is promptly put into place. *Delaware River Port Auth. v. Home Ins. Co.*, No. CIV.A. 92-3384, 1994 WL 444710 (E.D. Pa. Aug. 17, 1994) (explaining why ABA Rule 1.11 abandoned the rigid mandates of ABA Rule 1.9 by implementing a screening standard to continue to attract competent lawyers to the government without the fear of not being employable in private practice when they leave government service); *Rennie v Hess Oil Corporation*, 981 F. Supp. 374, 378 (D.V.I. 1997) ("The Model Rules specifically provide for screening as an exception to vicarious disqualification. In Formal Opinion 342, the ABA ruled that the blanket rule of imputed disqualification with regard to a government attorney entering private practice may be obviated by effective screening mechanisms or "Chinese Walls.").

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<sup>4</sup> As discussed herein, the term "screened" is a defined term in the V.I. Supreme Court Rules as well.

Moreover, in adopting this rule, **the V.I. Supreme Court made no distinction between small or large law firms**, so that distinction is irrelevant to V.I. S. Ct. R. 211.1.12. Indeed, if the size of the law firm mattered, V.I. S. Ct. R. 211.1.12 would be meaningless, as no law firm in the Virgin Islands has 35 lawyers, the definition of a “small firm” as cited on page 6 of Plaintiff’s motion.<sup>5</sup>

Thus, all of the cases cited by the Plaintiff discussing the size of the law firm are easily distinguishable, as they did not address Rule 1.12. Instead, the cited cases dealt with a different rule entirely—one dealing with the duties owed a former client where a lawyer with knowledge of a **client’s** thinking has switched law firms--adopted in the Virgin Islands as V.I. S. Ct. R. 211.1.9. That rule has no such screening provision, although it should be noted that even in that situation courts have agreed a “Chinese Wall” will obviate the harsh rule of disqualification, which is disfavored. *See, e.g., Lamb v. Pralex*, 333 F. Supp. 2d 361, 366 (D.V.I. 2004).

In short, the cases cited by the Plaintiff do not deal with V.I. S. Ct. R. 211.1.12, which expressly allows the hiring of a law clerk by the use of screening without making any distinction regarding the size of the firm. Thus, this Court need not address those cases applicable only to another rule.

One final comment is in order. While Attorney Seila confirmed that she stopped working on any cases involving Attorney Holt when their negotiations began in early

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<sup>5</sup> While this is a non-issue where Rule 211.1.12 is concerned, courts have rejected such arguments where there is only a two-person law firm (like here), contrary to the cases cited by the Plaintiff. *See, e.g., Radford v. Radford*, 371 P.3d 1158, 1162, 2016 WL 1586372 (OK Civ. App. 2016). *See also, See, e.g., People v. Najawicz*, 2014 WL 905798, at \*3 (V.I. Super. Feb. 27, 2014)(Chinese walls can be effectively implemented even in small firms.)

June 2017 (See **Exhibit 2**), this issue is moot, as there is a rule that covers that issue too. Rule 11.4.3 of the Internal Operating Rules of the V.I. Supreme Court states in part:

**11.4.3 Disqualification.** There is no disqualification *per se* for a law clerk to work on a case involving the firm from which the law clerk has accepted a job offer. Those assignments will be left to the discretion of the individual Justice.

Thus, Plaintiff's suggestion that inquiry is needed into whether the Court permitted Robin Seila to work on any Yusuf/Hamed case after she accepted a job with Attorney Holt can also be summarily dismissed, as clearly this rule applies as equally in the Superior Court as it does in the V.I. Supreme Court.

## **II. The guidelines for employing a former law clerk were followed**

There was full compliance with Rule 211.1.12. First, prior to negotiating with Robin Seila for a position in his firm, Joel Holt contacted Judge Brady's chambers, disclosed the situation before *anything* had occurred, and was informed that the Judge had no objection to such negotiations taking place. See **Exhibit 2**. Thus, there was compliance with Rule 211.1.12(b) even before such negotiations began.

Second, when Attorney Holt and Attorney Seila signed their contract on July 10, 2017, this conflict issue was specifically addressed in that contract as follows:

### Conflicts

Attorney has been a law clerk for Superior Court Judge Douglas Brady for the past several years. As such, the Attorney not only cannot work on any such cases, but the Attorney and the Firm shall establish a "Chinese Wall" regarding all communications, client contacts and all related activities involving any such files. Both the Firm and the Attorney shall make sure all appropriate safeguards are in place to avoid any the breach of any confidential information of the Firm, the clients involved or the Court.

Third, Holt sent a letter dated October 27, 2017, to Attorney Hymes that informed of the screening measures to be taken.<sup>6</sup> That letter stated in part (See **Exhibit 2**):<sup>7</sup>

I am setting up a "Chinese Wall" between her and every Hamed/Yusuf case, no matter what the designation may be (Plessen, Sixteen Plus, Manal Yousef, etc.). In this regard, my plan is as follows:

- Before she starts work, I will educate my office on what this entails to ensure full compliance;
- We have already taken steps to secure the current files in locked cabinets so that Robin cannot access them;
- I am setting up a separate email for those cases (holtvi.plaza@gmail.com ) that I will start using on Monday, October 30th, which she will not have access to. In that case, we need to communicate through that email on the Hamed/Yusuf cases going forward, which I will inform other counsel as well as the Court to use;
- I have also taken steps to block off and password protect the portion of the office server regarding all of these cases so she cannot access anything on it.
- To the extent we still exchange paper documents, my staff will be instructed to put all such correspondence and pleadings directly on my desk so I can then make sure they are securely filed;
- Once Robin starts, she will be instructed not to discuss these cases with anyone in my office, including me, or with anyone outside of the office, including other counsel in that case as well as anyone at the Court.

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<sup>6</sup> Attorney Hymes complains that the letter was not sent earlier, but V.I. S. Ct. R. 211.1.12 does not require it to be sent when Seila was hired, as such notice only needs to be sent before she actually begins to work. Indeed, virtually all of the cases discussing a Chinese Wall deal with situations where no such advance notice was sent. See, e.g., *Cubica Grp., LLLP v. Mapfre Puerto Rican Am. Ins. Co. (MAPFRE)*, No. 3:11-CV-108, 2012 WL 5331257, at \*3 (D.V.I. Oct. 29, 2012)(Offer to implement a Chinese Wall after the conflict was raised).

<sup>7</sup> This letter was also attached as Exhibit B to Plaintiff's motion. As noted, this was a joint letter to Attorney Hodges and Attorney Hymes, as I believe both lawyers are working in concert with one another to advance the interests of Fathi Yusuf, not anyone else.

That letter also, again ended with a request for Attorney Hymes to indicate if he thought anything else should be done. See **Exhibit 2**. Of course, no issues were raised, no such suggestions were ever received, **nor does the Plaintiff suggest in her motion that additional screening measures should have been adopted**. Thus, the Plaintiff cannot now complain about the specific measures she was told would be implemented.

As for screening, V.I. S. Ct. R. 211.1.0 (k) states:

(k) "Screened" denotes the isolation of a lawyer from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated lawyer is obligated to protect under these Rules or other law.

Under the circumstances, it is respectfully submitted that the proposed measure set forth in the attached October 27<sup>th</sup> letter were more than "reasonably adequate" to insure compliance with Rule 211.1.2, as defined by V.I. S. Ct. R. 211.1.0 (k).

Finally, Attorney Holt then implemented all of these procedures prior to Seila commencing work. See **Exhibit 2**. After Seila began to work, those procedures have remained in place. See **Exhibit 2**. Thus, there has been compliance with the screening provisions of Rule 211.1.2 (d).

In summary, the actions taken by Holt are far greater than those taken in the only case counsel could locate where the use of a specific "Chinese Wall" was discussed, *Lamb v. Pralex*, 333 F. Supp. 2d 361, 366 (D.V.I. 2004), which noted:

[Rohn] further state that upon Combie's disclosure of the conflicted cases, "they advised her that were an offer of employment extended, she would be prohibited from and have no access to the electronic or physical files for those cases on which she would be conflicted." A list of the cases was circulated to all employees and posted in common areas; Combie has not been near the files and does not know their location; the employees have been instructed not to discuss the cases in her presence; and she has been locked out of the electronic filing system with regard to those cases.



The court then went on to approve this “Chinese Wall”:

The evidence of screening provided by Rohn was not directly contradicted by Rames. Although the Court understands his chagrin, more is required before a court will be forced to relieve a litigant of his counsel of choice. **A majority of courts have endorsed screening procedures similar to the ones implemented in this case, under similar circumstances.** *Id.* (Emphasis added).

Moreover, the court then found this **proffer** sufficient to find that the “screening” process satisfied the court that appropriate precautions were in place, stating:

The Court is satisfied that the procedures employed by Rohn’s office to shield Combie from the files, supports a finding that any information obtained at the Rames law firm will not be disclosed. *Id.*

Indeed, that court rejected Rames challenge to this “Chinese Wall” due to the fact that his objections were no different than those raised by the Plaintiff here:

**The evidence of screening provided by Rohn was not directly contradicted by Rames.** Although the Court understands his chagrin, **more is required before a court will be forced to relieve a litigant of his counsel of choice.** *Id.* at 366. (Emphasis added).

Therefore, the screening procedures set up in this case are far more extensive than those found to be acceptable in *Lamb* and elsewhere.

In summary, opposing counsel was informed of the screening measures to be implemented prior to Seila’s employment. It is respectfully submitted that these proffered measures are far beyond the “reasonably adequate” standard under the circumstances. Finally, this “Chinese Wall” was promptly set up and implemented prior to Seila’s commencement of work.

### III. The Request to Stay the proceeding and do discovery is unwarranted.

Contrary to the Plaintiff's assertions, the two cases cited on pages 13-14 **did not allow discovery on the issues** in question,<sup>8</sup> much less a stay.<sup>9</sup> In *Fredonia Broadcasting Corp., Inc. v. RCA Corp.*, 569 F.2d 251 (5th Cir. 1978), the issue dealt with a recusal of a Judge. While the case was remanded for further findings, there is no reference to discovery being ordered (or even suggested).<sup>10</sup> Similarly, in *P.M. v. N.P.*, 116 A.3d 1078, 1088-89 (N.J. App. Div. 2015), which is also a recusal case, the court again remanded the case for specific, limited disclosure--without any reference to actual discovery being taken by the opposing party.

To the extent this Court believes this representation needs verification, Joel Holt would be glad to submit declarations from Robin Seila and/or his office staff. Likewise, if more is needed, this Court can hold a hearing to confirm compliance.

### IV. Conclusion

Two final comments are in order. First, while not raised as an issue by the Plaintiff, Attorney Seila has not and will not receive any part of any fees from the Hamed/Yusuf litigation. Second, while the Defendants complain about not sending the October 27<sup>th</sup> letter directly to Judge Brady, the rule only requires notice to be sent to

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<sup>8</sup> Deposing a former law clerk, counsel or his staff would certainly be demeaning to the judicial process and is clearly unwarranted on this record.

<sup>9</sup> It is interesting that a stay is also requested—clearly Yousef wants the undersigned counsel removed as she knows he can prove that her mortgage is a fraud. Indeed, is there any doubt Fathi Yusuf will be filing a similar motion shortly? Indeed, did his lawyers have Attorney Hymes file first so they could read this opposition and his motion to address this response? Or maybe they know they waived any such objection and are hoping Attorney Hymes can save the day.

<sup>10</sup> That 1978 case predates ABA Model Rule 1.12 (adopted by the V.I. Supreme Court as V.I. S. Ct. R. 211.1.12) by over 25 years.


“appropriate tribunal to enable them to ascertain compliance with the provisions of this rule.” As noted in the comments to ABA Model Rule 1.12:

[5] Notice, including a description of the screened lawyer's prior representation and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.

Here, the notice was promptly sent. Moreover, as Judge Brady was aware that Seila was going to work for Joel Holt, the October 27<sup>th</sup> notice was only sent to opposing counsel. In any event, as the Plaintiff has not suggested that any further screening measures be adopted, she cannot now argue that there are other screening measures that the Court should have or would have imposed.

In summary, it is respectfully submitted that the requirements of V.I. S. Ct. R. 211.1.12 have been more than met in this case, warranting a denial of the Plaintiff's disqualification motion.

**Dated:** December 20, 2017



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

### CERTIFICATE OF SERVICE

This document complies with the page or word limitation set forth in Rule 6-1 (e). I hereby certify that on this 20th day of December, 2017, I served a copy of the foregoing by hand delivery and email, as agreed by the parties,

James Hymes VI  
Bar No. 264  
*Counsel for Manal Yousef*  
P.O. Box 990  
St. Thomas, Virgin Islands 00804-0990  
jjm@hymeslawvi.com  
rauna@hymeslawvi.com

Gregory H. Hodges  
Stefan Herpel  
Lisa Komives  
*Counsel for Fathi Yusuf*  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
ghodges@dtflaw.com

A handwritten signature in blue ink is written over a horizontal line. The signature appears to be 'JHM'.

# EXHIBIT 1

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

SIXTEEN PLUS CORPORATION,	)	
	)	CIVIL NO. SX-16-CV-65
Plaintiff/Counterclaim Defendant,	)	
	)	ACTION FOR
vs.	)	DECLARATORY JUDGMENT
	)	
MANAL MOHAMMAD YOUSEF,	)	JURY TRIAL DEMANDED
	)	
Defendant/Counterclaim Plaintiff.	)	

**MANAL MOHAMMAD YOUSEF'S RESPONSE TO  
PLAINTIFF/COUNTERCLAIM DEFENDANT SIXTEEN PLUS'  
FIRST SET OF INTERROGATORIES TO  
DEFENDANT/COUNTERCLAIM PLAINTIFF MANAL MOHAMMAD YOUSEF**

The Defendant/Counterclaim Plaintiff **MANAL MOHAMMAD YOUSEF**, through her undersigned attorney, James L. Hymes, III, hereby responds to Plaintiff/Counterclaim Defendant Sixteen Plus' First Set of Interrogatories as follows:

**I. GENERAL OBJECTIONS**

Defendant/Counterclaim Plaintiff **MANAL MOHAMMAD YOUSEF**, incorporates the following general objections into each and every interrogatory response as set forth below, and further, by submitting her responses to Interrogatories, does not waive any objections to subject matter jurisdiction, personal jurisdiction, service of process, improper venue, insufficiency of process, insufficiency of service of process, or failure to state a claim upon which relief can



**Interrogatory 13:**

Regarding any oral communications you have had with Fathi Yusuf from 1996 to present that you can recall regarding any matters related to United Corporation, Sixteen Plus, or anything to do with the Defendant's loan to Sixteen Plus, please state:

- a) The date and place of each such communication;
- b) The specifics, and if specifics are not recalled, the general nature or gist of each conversation;
- c) For each such communication, state where you were located when it occurred.

**Response:**

**In early 1996 or 1997, discussions took place in my home at Cole Bay in St. Maarten between me, my father, my brother, Fathi Yusuf, and Waleed Hamed concerning my loaning the Sixteen Plus Corporation money for it to use to purchase property in St. Croix, U.S. Virgin Islands. The essence of the discussions were that it would be beneficial both to me and to the corporation. My loan would be repaid with interest, and the corporation would be able to buy a valuable piece of property in St. Croix.**

VERIFICATION

I hereby certify under penalty of perjury that the facts contained in each of the foregoing responses to interrogatories are true and correct to the best of my knowledge, information and belief.

Dated \_\_\_\_\_



\_\_\_\_\_  
Manal Mohammad Yousef

)  
) ss.  
)

On this, the \_\_\_\_\_ day of 2017, before me, the undersigned officer, personally appeared Manal Mohammad Yousef, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document and acknowledged that she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public



**SIXTEEN PLUS CORPORATION vs. MANAL MOHAMMAD YOUSEF**

**SCVI/STX Civil No. SX-16-CV-65**

**MANAL MOHAMMAD YOUSEF'S RESPONSE TO PLAINTIFF/COUNTERCLAIM DEFENDANT SIXTEEN PLUS' FIRST SET OF INTERROGATORIES**

Respectfully Submitted,

DATED: July 17, 2017.

**LAW OFFICES OF JAMES L. HYMES, III, P.C.**  
*Counsel for Defendant/Counterclaim Plaintiff*  
**Manal Mohammad Yousef**

By: 

**JAMES L. HYMES, III**

VI Bar No. 264

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c:\yousef16Plus12017-07-10...MMY's Response to Rogs....

# EXHIBIT 2

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

MANAL MOHAMMAD YOUSEF a/k/a  
MANAL MOHAMAD YOUSEF,

Plaintiff,

v.

SIXTEEN PLUS CORPORATION,

Defendant.

CIVIL NO. SX-17-CV- 342

**ACTION FOR DEBT AND  
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**COUNTERCLAIM FOR  
DAMAGES**

**JURY TRIAL DEMANDED**

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SIXTEEN PLUS CORPORATION,

Counterclaim Plaintiff,

v.

MANAL MOHAMMAD YOUSEF a/k/a  
MANAL MOHAMAD YOUSEF and  
FATHI YUSUF,

Counterclaim Defendants.

**DECLARATION OF JOEL H. HOLT**

I, Joel H. Holt, declare, pursuant to V.I. R. CIV. P. 84, as follows:

1. I am counsel for the Defendant and am personally familiar with the facts set forth herein.
2. I made a decision to look into the possibility of hiring Robin Seila in June of 2017.
3. I first discussed this with Waleed ("Wally") Hamed, who agreed for me to do so as long as I cleared it with Fathi Yusuf.
4. In this regard, by that date I had represented the Hamed family in this litigation for over five years and neither Wally nor I wanted to do anything that would jeopardize my ability to represent the Hameds, including their interest in Sixteen Plus.
5. I called Attorney Hodges, who is the main lawyer for Fathi Yusuf, on June 2, 2017, to ask him to consult with his client, Fathi Yusuf, as to whether Mr. Yusuf would have any objection to my continuing in the Yusuf/Hamed litigation if I were



to reach an agreement with Judge Brady's then law clerk, Robin Seila, to work for my firm. I specifically told Attorney Hodges that I would not pursue hiring her if his client had any such objection, as my fiduciary duties to represent the Hamed family might be compromised if my representation of them was questioned, particularly in light of the extensive work on this case over the last four plus years. In short, I wanted to know his client's position, not his, as Attorney Hodges could not waive any objection his client might have.

6. Attorney Hodges agreed to speak with his client and call me the following Monday, June 5, 2017.
7. When I had not heard from him by mid-afternoon on June 5<sup>th</sup>, I sent him an email, stating in part as follows: "Once you have a response to my call last week, let me know." Attorney Hodges responded that same day as follows: "Will do. Instead of today, may I call you tomorrow afternoon?" All emails referenced herein are attached hereto as **Exhibit A**, which are identical to the emails produced by the Defendants with their motion.
8. When we spoke the next day, Attorney Hodges said his client would not object if I hired Judge Brady's law clerk.
9. At no time did Attorney Hodges say or suggest that he would be "displeased" if I hired Judge Brady's law clerk. Had he said any such thing, I would not have proceeded further.
10. To the contrary, the only point Hodges noted was to make sure I implemented appropriate screening measures.
11. I relied on this waiver, calling Judge Brady's chambers the same day, or shortly thereafter, to obtain his permission to discuss employment with Seila. Judge Brady's secretary answered the phone when I called his chambers and asked to speak with Judge Brady. She asked what I wanted to discuss with the Judge. After I told her, she put me on hold and then came back a few minutes later, informing me that Judge Brady said I had his permission to speak with his law clerk.
12. Shortly thereafter, I began to negotiate with Robin Seila about the possibility of working as an associate in my firm.
13. At the very outset, Robin Seila agreed she would cease work on all cases before Judge Brady where I was counsel of record.
14. A formal agreement was reached on July 10, 2017. The signed contract contained this provision:

Conflicts

Attorney has been a law clerk for Superior Court Judge Douglas Brady for the past several years. As such, the Attorney not only cannot work on any such cases, but the Attorney and the Firm shall establish a "Chinese Wall" regarding all communications, client contacts and all related activities involving any such files. Both the Firm and the Attorney shall make sure all appropriate safeguards are in place to avoid any the breach of any confidential information of the Firm, the clients involved or the Court.

15. Indeed, Robin Seila confirmed she had stopped all such work as soon as our employment negotiations began.
16. On July 26, 2017, Attorney Hodges emailed me asking about the status of my negotiation with Robin Seila, as well as what screening measures I planned to implement. My email response, included in **Exhibit A**, began with a reminder to Attorney Hodges that I had cleared all of this with him first. I then provided the information he requested, confirming that I had hired her and then listing a set of proposed screening measures. I also invited him to suggest any others he had in mind.
17. Attorney Hodges never responded to this July 26<sup>th</sup> email verbally or in writing.
18. Prior to the commencement of Robin Seila's employment on October 30, 2017, I took the following steps to set up the screening process, commonly known as a Chinese Wall:
  - I removed over 95% of the Hamed files from the office and placed them in storage so they would not be in the office.
  - I then placed the remaining files in my office, as opposed to the file cabinets in the common areas of my office where files are normally kept, which I then locked so they could not be accessed without my knowledge.
  - I had an IT person then remove all of the Hamed files from the office public server and place them on a separate server so they could not be accessed by Robin Seila once she began work.
  - I set up separate email accounts to use for the Hamed cases so they could not be accessed by Robin Seila. I also made sure she would not have access to any passwords for my email accounts.
  - I then met with my office staff, which consists of three people, and discussed what a Chinese Wall meant and how they should coordinate those efforts by making sure she did not see any new pleadings or correspondence, and could not access any old files. They were also instructed not to discuss the Hamed case with her at any time.
  - I made it clear to the staff and the client that there was to be no communications between the client and Robin Seila whatsoever.

19. On October 27, 2017, I sent a list of these items to Attorney Hodges and Attorney Hymes. The letter is attached hereto as **Exhibit B**, which is the same letter produced by the Defendants with their motion.

20. I sent a joint letter, as I believe both lawyers are working in concert with one another to advance the interests of Fathi Yusuf, not anyone else.

21. Attorney Hymes never responded to this October 27<sup>th</sup> letter verbally or in writing.

22. I made sure all of the referenced procedures were in place when Robin Seila began work on October 30, 2017, and have continued to monitor full compliance by my staff and Attorney Seila since that time.

23. Robin Seila has not received any fees from the Hamed case, nor will she.

I declare under penalty of perjury that the foregoing is true and correct, executed on this 20<sup>th</sup> day of December, 2017.

  
\_\_\_\_\_  
Joel H. Holt

## Gregory Hodges

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**From:** Joel Holt <holtvi@aol.com>  
**Sent:** Wednesday, July 26, 2017 4:15 PM  
**To:** Gregory Hodges  
**Subject:** Re: Law clerk

Ok-if you think of any, let me know

Joel H. Holt, Esq.  
2132 Company Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709

-----Original Message-----

**From:** Gregory Hodges <Ghodges@dtflaw.com>  
**To:** Joel Holt <holtvi@aol.com>  
**Sent:** Wed, Jul 26, 2017 4:13 pm  
**Subject:** RE: Law clerk

Joel,  
Thanks for your response. Since I have no recent personal experience with screening measures, I am in no position to offer suggestions.

Gregory H. Hodges  
Dudley, Topper and Feuerzeig, LLP  
Law House, 1000 Frederiksberg Gade  
St. Thomas, VI 00802  
Direct: (340) 715-4405  
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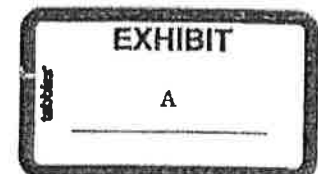
Member

**LexMundi**  
World Ready

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**From:** Joel Holt [<mailto:holtvi@aol.com>]  
**Sent:** Wednesday, July 26, 2017 2:26 PM  
**To:** Gregory Hodges <[Ghodges@dtflaw.com](mailto:Ghodges@dtflaw.com)>  
**Subject:** Re: Law clerk



Greg-I cleared all of this with you first, as you know. I then called Judge Brady's chambers, either on the same day we spoke or the day after you confirmed you had no problem with my speaking with his law clerk. His secretary, Ms. Krind, asked why I was calling, which I told her. She put me on hold and then came back and said Judge Brady had no objection to my talking to her. I then asked Ms. Krind to let the clerk know I would be calling, which she did. In short, I have never spoken directly with Judge Brady about her, nor anyone else at the Court other than the brief call with Ms. Krind.

I then spoke with the law clerk several times in June. I do not know which of my pending cases she has worked on, as we did not discuss any pending cases, but she assured me during our first call that she would immediately stop all work on any such files (I do have more than one case before Judge Brady). I told her in late June that I planned on extending an offer to her and sent her a written offer on June 30, which she accepted. The final contract was signed July 9th.

As for the "screening measures" going forward, that process is still being developed, but will include blocking her access to the office files, making sure she has no contact with the clients and having her only use the office gmail account, while I will continue to only use my AOL account for this case, which she will not have access to, so she will have no access to my emails (past or future). I welcome any other suggestions you might have.

Joel H. Holt, Esq.  
2132 Company Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709

-----Original Message-----

From: Gregory Hodges <[Ghodges@dtflaw.com](mailto:Ghodges@dtflaw.com)>  
To: Joel Holt <[holtvi@aol.com](mailto:holtvi@aol.com)>  
Sent: Wed, Jul 26, 2017 11:48 am  
Subject: RE: Law clerk

Would you please let me know when you offered her a job, when she accepted, whether Judge Brady was advised of these events and, if so, when? Also, please advise what screening measures will be implemented.

Gregory H. Hodges  
Dudley, Topper and Feuerzeig, LLP  
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-----Original Message-----

From: Joel Holt [mailto:[holtvi@aol.com](mailto:holtvi@aol.com)]  
Sent: Tuesday, July 25, 2017 8:16 PM  
To: Gregory Hodges <[Ghodges@dtflaw.com](mailto:Ghodges@dtflaw.com)>  
Subject: Re: Law clerk

Yes-she starts Oct 4

Joel H. Holt  
2132 Company Street  
Christiansted, USVI 00820  
340-773-8709

> On Jul 25, 2017, at 7:32 PM, Gregory Hodges <[Ghodges@dtflaw.com](mailto:Ghodges@dtflaw.com)> wrote:

>  
> Anything develop from this?  
>  
>  
> Gregory H. Hodges  
> Dudley, Topper and Feuerzeig, LLP  
> Law House, 1000 Frederiksberg Gade  
> St. Thomas, VI 00802  
> Direct: (340) 715-4405  
> Fax: (340) 715-4400  
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received this communication in error, please notify the sender immediately by e-mail or telephone and delete the original  
message immediately. Thank you.

>  
>  
>  
> -----Original Message-----  
> From: Joel Holt [mailto:[holtvi@aol.com](mailto:holtvi@aol.com)]  
> Sent: Monday, June 05, 2017 3:57 PM  
> To: Gregory Hodges <[Ghodges@dtflaw.com](mailto:Ghodges@dtflaw.com)>  
> Subject: Re: Law clerk

>  
> Sure-thx  
>  
> Joel H. Holt  
> 2132 Company Street  
> Christiansted, USVI 00820  
> 340-773-8709

>> On Jun 5, 2017, at 3:54 PM, Gregory Hodges <[Ghodges@dtflaw.com](mailto:Ghodges@dtflaw.com)> wrote:

>>  
>> Will do. Instead of today, may I call you tomorrow afternoon?  
>>

>>  
>> Gregory H. Hodges  
>> Dudley, Topper and Feuerzeig, LLP  
>> Law House, 1000 Frederiksberg Gade  
>> St. Thomas, VI 00802  
>> Direct: (340) 715-4405  
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>> Web: [www.DTFLaw.com](http://www.DTFLaw.com)

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>> -----Original Message-----

>> From: Joel Holt [<mailto:holtvi@aol.com>]

>> Sent: Monday, June 05, 2017 3:19 PM

>> To: Gregory Hodges <[Ghodges@dtflaw.com](mailto:Ghodges@dtflaw.com)>

>> Subject: Law clerk

>>

>> I did get the full name of Judge Brady's law clerk-Robin Sealey, although I did not learn anything else about her. Once you have a response to my call last week, let me know. Thx

>>

>> Joel H. Holt

>> 2132 Company Street

>> Christiansted, USVI 00820

>> 340-773-8709

>

# JOEL H. HOLT, ESQ. P.C.

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October 27, 2017

Gregory H. Hodges  
Stefan Herpel  
Charlotte Perrell  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802

James L. Hymes, III, Esquire  
Law Offices of James L. Hymes, III, P.C.  
P.O. Box 990  
St. Thomas, VI 00804-0990

Sent by mail and email

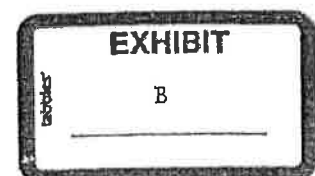
**Re: Plaza Extra Matters**

Dear Counsel:

As I discussed with Greg last June, I have hired Robin Seifa, Judge Brady's former law clerk, who is scheduled to finally start next week.

I am setting up a "Chinese Wall" between her and every Hamed/Yusuf case, no matter what the designation may be (Plessen, Sixteen Plus, Manal Yousef, etc.). In this regard, my plan is as follows:

- Before she starts work, I will educate my office on what this entails to ensure full compliance;
- We have already taken steps to secure the current files in locked cabinets so that Robin cannot access them;
- I am setting up a separate email for those cases ([holtvi.plaza@gmail.com](mailto:holtvi.plaza@gmail.com)) that I will start using on Monday, October 30th, which she will not have access to. In that case, we need to communicate through that email on the Hamed/Yusuf cases going forward, which I will inform other counsel as well as the Court to use;
- I have also taken steps to block off and password protect the portion of the office server regarding all of these cases so she cannot access anything on it.

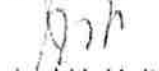


Plaza /Sella Letter  
Page 2

- To the extent we still exchange paper documents, my staff will be instructed to put all such correspondence and pleadings directly on my desk so I can then make sure they are securely filed;
- Once Robin starts, she will be instructed not to discuss these cases with anyone in my office, including me, or with anyone outside of the office, including other counsel in that case as well as anyone at the Court.

Please let me know if you have any other suggestions for me to implement, as I am glad to consider any input you want to provide to me. Thanks.

Cordially,



Joel H. Holt  
JHH/jf

cc: Hon. Edgar Ross