

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

UNITED CORPORATION,  
Plaintiff,

v.

WADDA CHARRIEZ,

Defendant.

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WADDA CHARRIEZ,  
Counter-Claimant,

v.

UNITED CORPORATION,  
Defendant.

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WADDA CHARRIEZ,

Third-Party Plaintiff,

v.

FATHI YUSUF,

Third-Party Defendant.

Case No.: 2013-CV-152

**ACTION FOR DAMAGES  
& RECOUPMENT**

**JURY TRIAL DEMANDED**

**DEFENDANT WADDA CHARRIEZ'S FIRST REQUEST FOR THE  
PRODUCTION OF DOCUMENTS TO PLAINTIFF UNITED CORPORATION**

Defendant Charriez, by counsel, propounds the following request for production of documents pursuant to V.I. R. Civ. P. 34 on Plaintiff United Corporation. **Defendant Charriez will propound additional discovery when United Corporation files an answer to Defendant Charriez's Second Amended Counterclaim and Fathi Yusuf files an answer to Defendant Charriez's First Amended Third Party Complaint.**

## INSTRUCTIONS

In responding to these Requests for Production of Documents, the following instructions shall apply:

1. The obligations imposed by V.I. R. Civ. P. 34 is hereby incorporated, including but not limited to, the duty to supplement imposed by V.I. R. Civ. P. 26(e).

2. If the Plaintiff lacks information to respond to a particular request for production, in whole or in part, Plaintiff shall state or identify: a) the currently available information; b) any currently unavailable information; c) the efforts Plaintiff has taken, or will take, to obtain the currently unavailable information; and d) **when the Plaintiff expects to obtain this information**. Further, if the Plaintiff believes that any other individual or entity may have information that responds to a specific request, in whole or in part, the Plaintiff shall provide the individual or entity's: a) name, address and telephone number and b) a brief description of the information the Plaintiff believes the entity or individual possesses.

3. Whenever in these requests for production the Plaintiff is directed to produce or "identify" a "document," the Plaintiff shall, besides providing the document itself (if asked to produce), state or identify the following: a) the date the document was prepared; b) the name, address and telephone number of each author or signatory; c) the name, address and telephone number of each recipient (both addressee and recipients of copies); d) the document type (e.g., letter, memorandum, report, etc.); e) the document title; f) the document's control number or Bates number; and g) the name, address and telephone number of the document's custodian.

4. If the Plaintiff no longer possesses any document the Defendant requests, the Plaintiff shall state or identify: a) the date the document was prepared; b) the name, address and telephone number of each author or signatory; c) the name, address and telephone number of each recipient; d) the document type (e.g., letter, memorandum,

report, etc.); e) what was done with the document; f) the name, address and telephone number of each individual responsible for, or otherwise involved with, transferring or disposing of the document; and g) reason(s) the document was disposed of or transferred; and h) the name, address and telephone of the document's custodian, if known.

5. If the Plaintiff believes any information the Defendant requests is privileged and/or protected, in whole or in part, the Plaintiff shall provide the following: a) the document's title; b) the document type (e.g., memorandum, letter, report, email etc.), c) the name, address and telephone number of each author or signatory; d) the name, address and telephone number of each recipient; e) the date the document was prepared; f) the privilege(s) and/or protection(s) the Defendant is asserting; g) the factual bases for the Plaintiff asserting the privilege(s) and/or protection(s); and h) a summary of the information the Plaintiff is not producing to enable a court of competent jurisdiction to rule whether the information is privileged and/or protected.

6. If the Plaintiff redacts anything from a document it produces in response to these requests for production, the Plaintiff shall state or provide the following: a) a summary of the deleted information; b) the reason(s) for deleting the information; and c) the name, address and telephone number of each person responsible for, or otherwise involved with, deleting the information.

7. The Plaintiff shall respond to each of these requests for production to the fullest extent possible, and in good faith. The Plaintiff may further ask the Defendant's attorney to clarify or limit any request for production Plaintiff believes is vague or unduly burdensome.

8. Whenever these requests for production use any word in the plural, the

Plaintiff shall understand the word to include the singular as necessary to make the request for production inclusive rather than exclusive. Further, whenever these requests for production use any word in the singular, the Plaintiff shall understand the word to include the plural as necessary to make the request for production inclusive rather than exclusive.

9. Whenever these requests for production use any word in the masculine, the Plaintiff shall understand the word to include the feminine as necessary to make the request for production inclusive rather than exclusive. Further, whenever these requests for production use any word in the feminine, the Plaintiff shall understand the word to include the masculine as necessary to make the request for production inclusive rather than exclusive.

10. Verbs written in the present tense shall also be taken to mean and include the past. Verbs written in the past tense shall also be taken to mean and include the present.

11. Whenever these requests for production use the word "and" or the word "or," the Plaintiff shall understand the word conjunctively or disjunctively as necessary to make the request for production inclusive rather than exclusive.

12. The parties have consented, pursuant to V.I. R. Civ. P. 5(b)(2)(E), to electronic service of all documents in this action including discovery requests and responses.

### **TERMS AND MEANINGS**

The terms used in this Discovery have the following meaning:

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

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

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

**"United" or "United Corp"** shall mean the plaintiff United Corporation.

“Charriez” shall mean the defendant Wadda Charriez.

### **REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

**RFPDs No. 1:** Please provide all documents supporting paragraph 7 of your Complaint:

7. Plaintiff United operates three supermarket stores throughout St. Croix and St. Thomas under the trademark of "Plaza Extra" located in 4C & 4D Estate Sion Farm, St. Croix, 14 Estate Plessen, St. Croix and 4605 Tutu Park Mall, Suite 200, St. Thomas

**Response:**

**RFPDs No. 2:** Please provide all documents supporting paragraph 8 of your Complaint:

8. Plaintiff United is the employer of Wadda Charriez, who began her employment on January 1998 as a cashier. Thereafter, Defendant Charriez eventually became an office manager was assigned the duties of preparing and issuing payroll checks.

**Response:**

**RFPDs No. 3:** Please provide all documents supporting paragraph 9 of your Complaint:

9. United utilizes a hand recognition payroll system where every employee must scan his or her right hand to "punch-in" and "punch-out"

**Response:**

**RFPDs No. 4:** Please provide all documents supporting paragraph 10 of your Complaint:

10. The system then automatically feeds the payroll system with time information obtained from each employee's hand scan.

**Response:**

**RFPDs No. 5:** Please provide all documents supporting paragraph 11 of your Complaint:

11. Any print out from the payroll system would then show the date and time the hand was scanned. However, if an employee manually enters the entry and exit times, any printout of that employee's time sheets will show an asterisk next to the manually overridden time.

**Response:**

**RFPDs No. 6:** Please provide all documents supporting paragraph 12 of your Complaint:

12. This punch-in and punch-out hand recognition procedure is required for all hourly wage based employees. Of all the hourly based employees, Defendant Charriez and by virtue payroll responsibilities has manually overridden the payroll system virtually every single time.

**Response:**

**RFPDs No. 7:** Please provide all documents supporting paragraph 13 of your Complaint:

13. There is only one explanation as to why Defendant Charriez's timesheets would show consistent manual time entries: to report false hours and to cause the payroll system to issue overstated wages.

**Response:**

**RFPDs No. 8:** Please provide all documents supporting paragraph 14 of your Complaint:

14. On April 29<sup>th</sup>, 2013, Plaintiff United Corporation terminated Defendant Wadda Charriez for reporting false hours causing Plaintiff United monetary losses of \$40,878 dollars.

**Response:**

**RFPDs No. 9:** Please provide all documents supporting paragraph 15 of your Complaint:

15. Upon information, Defendant Charriez reported false hours for the years 2006 through 2009, the records of which are being collected and analyzed.

**Response:**

**RFPDs No. 10:** Please provide all documents supporting paragraph 16 of your

Complaint:

16. For the years 2010 through 2012, Defendant Charriez reported the following total false hours:

- i. Year 2010.....786 hours @ \$18.00 = \$14,148
- ii. Year 2011.....832 hours @ \$18.00 = \$14,976
- iii. Year 2012.....615 hours @ \$18.00 = \$11,754

\$40,878

**Response:**

**RFPDs No. 11:** Please provide all documents supporting paragraph 17 of your Complaint:

17. Plaintiff United warned Wadda Charriez on January 7th, 2013 of Plaintiffs intent to terminate her should she fail to explain why Defendant Charriez falsely reported such significant hours.

**Response:**

**RFPDs No. 12:** Please provide all documents supporting paragraph 18 of your Complaint:

18. Plaintiff United provided Defendant Charriez over 120 days to explain her false reporting of work hours.

**Response:**

**RFPDs No. 13:** Please provide all documents supporting paragraph 19 of your Complaint:

19. On April 29th, 2013, Defendant Charriez's employment was terminated, Employee Charriez never returned any of the monies she received as a result of her false hours, and never explained the reasons for her misconduct.

**Response:**

**RFPDs No. 14:** Please provide all documents supporting paragraph 20 of your Complaint:

20. As an office manager, and an employee tasked with properly preparing, reporting, and issuing payroll checks for United's employee, Defendant Charriez violated her at-will employment agreement with United Corporation.

**Response:**

**RFPDs No. 15:** Please provide all documents supporting paragraph 21 of your Complaint:

21. As an employee of Plaintiff United, Defendant violated her duties of loyalty and care owed to her employer Plaintiff United.

**Response:**

**RFPDs No. 16:** Please provide all documents supporting paragraph 22 of your Complaint:

22. As a result of obtaining \$40,878 dollars in unauthorized and illegal compensation, Defendant Charriez caused Plaintiff United substantial monetary damages.  
loyalty and care owed to her employer Plaintiff United.

**Response:**

**RFPDs No. 17:** Please provide all documents supporting paragraph 25 of your Complaint:

25. Plaintiff United materially relied on the representations of Defendant Charriez, and as a result issued numerous checks for overstated amounts to Defendant Charriez.

**Response:**

**RFPDs No. 18:** Please provide all documents showing that Wally Hamed, representing his father, Mohammad Hamed's, interest in the Hamed-Yusuf Partnership pursuant to a power of attorney, **or** the Hamed-Yusuf Partnership, authorized the current lawsuit, *United Corporation v Wadda Charriez*, Superior Court of the Virgin Islands, Division of St. Croix, No. 2013-CV-152.

**Response:**

Dated: March 6, 2018

  
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### CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of March, 2018, I served a copy of the foregoing Request for the Production of Documents by email, as agreed by the parties, on:

Glenda Cameron, Esq.  
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### CERTIFICATE OF COMPLIANCE WITH RULE 6-1(e)

This document complies with the page or word limitation set forth in Rule 6-1(e).

  
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