

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

UNITED CORPORATION)	CIV. NO. SX-13-CV-101
)	
Plaintiff)	
)	
VS.)	ACTION FOR DAMAGES
)	CIVIL ACTION
)	
)	PLAINTIFF'S RESPONSE IN OP
)	TO DEFENDANT'S MOTION FOR
WAHEED HAMED)	JUDGMENT ON THE PLEADINGS
<i>(a/k/a Willy, Willy Hamed)</i>)	
)	
Defendant)	
_____)	

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION
FOR JUDGMENT ON THE PLEADINGS**

COMES NOW, Plaintiff United Corporation, and hereby files this Response in Opposition to Defendant's Motion pursuant to Rule 12(c) for Judgment on the pleadings. For the following reasons, it is respectfully requested that Defendant's Motion for Judgment on the Pleadings be denied.

1. On March 5th, 2013, Plaintiff filed suit alleging conversion, breach of contract, constructive trust, and breach of fiduciary against Waheed Hamed, an employee of Plaintiff United Corporation.
2. Defendant's Rule 12(c) Motion alleges without more that because funds were alleged to have been taken between 1992 and 1997, the statute of limitations would bar any cause of action arising out of the conversion of these funds, regardless of whether the Plaintiff knew or had reason to know of Defendant's misconduct. Defendant fails to cite anything in support of this foregoing argument.

3. In support of his Motion, Defendant simply recites the various statute of limitations for the various causes of action in the Virgin Islands, and proceeds to conclude that because any cause of action alleged against the Defendant would fall outside the Statute of Limitations, Plaintiff's complaint should be dismissed.
4. Conveniently, Defendant does not argue that the statute of limitations for the causes of action in the complaint could be tolled because Plaintiff never, and could not have known of Defendant's defalcation until Plaintiff obtained the information from the U.S. Attorney's Office during an unrelated criminal investigation.
5. As fully averred in Plaintiff's Complaint, the funds in question were discovered in late 2011. Plaintiff's Complaint states the following facts:

"In October of 2011, upon information, a review of the U.S. Government records and files by the treasurer of Plaintiff United further revealed that without Plaintiff United's knowledge or consent, Defendant Waheed Hamed converted \$70,000 in cash belonging to Plaintiff United by purchasing a Certified Check, dated October 7th, 1995, made payable to a third party unrelated to Plaintiff United, or any of Plaintiff's business operations."

Complaint, ¶14.

6. Again, Defendant's Motion fails to state a single fact showing that Plaintiff had any reason to know of Defendant Hamed's misconduct. There is no doubt that Plaintiff could not have known of Defendant's misconduct because the check in question for \$70,000 was a Certified Check without the name of Defendant Waheed Hamed, and was obtained from the U.S. Attorney's Office during an unrelated criminal investigation only in October of 2011.
7. As such, the statute of limitations could not accrue and was tolled because Plaintiff could not have possibly known of Defendant's misconduct until a federal investigation revealed this misconduct.

8. This matter requires detailed discovery to determine the origins of the cash used to purchase the money order in question as well as third party subpoenas in the state of Florida to the institution that has received these funds without Plaintiff United's authorization.

9. As such, at best Defendant's Motion is premature, at worst it is without merit since it fails to detail any facts showing Plaintiff's reasonable knowledge of the facts underlying Defendant's conversion of funds.

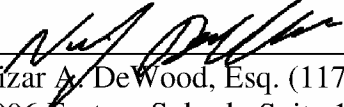
For the reasons stated above it is respectfully requested that Defendant's Motion for Judgment on the Pleadings.

Date: May 1, 2013

Respectfully Submitted,

DeWood Law Firm, LLC
Counsel for Plaintiff

By: _____


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CERTIFICATION OF SERVICE

I hereby certify that a true copy of the foregoing Plaintiff Response in Opposition to Defendant's Motion for Judgment on the Pleadings was served on the Defendant via his counsel at the below address and date via first class mail.

Date: May 1, 2013

Carl J. Hartmann, III
5000 Estate Coakley Bay, L-6
Christiansted, V.I. 00820



Nizar A. DeWood, Esq.