

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

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

**Plaintiff,** )

**v.** )

**FATHI YUSUF and UNITED CORPORATION,** )

**Defendants.** )

**CIVIL NO. SX-12-CV-99**

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

**JURY TRIAL DEMANDED**

**NOTICE OF INTENT TO SERVE SUBPOENA DUCES TECUM**

**TO: THE HONORABLE GLENDA L. LAKE**  
Clerk of the District Court  
DISTRICT COURT OF THE VIRGIN  
ISLANDS Federal Building, Veteran's Drive  
Post Office Box 729  
St. Thomas, Virgin Islands 00804

Joseph A. DiRuzzo, III  
Fuerst Ittleman David & Joseph, PL  
1001 Brickell Bay Drive, 32<sup>nd</sup>. Fl.  
Miami, FL 33131  
[jdiruzzo@fuerstlaw.com](mailto:jdiruzzo@fuerstlaw.com)

**NIZAR A. DEWOOD**  
The Dewood Law Firm  
2006 Eastern Suburb, Suite 101  
Christiansted, VI 00820  
340-773-3444  
Email: [dewoodlaw@gmail.com](mailto:dewoodlaw@gmail.com)

PLEASE TAKE NOTICE that on October 25, 2012, or as soon thereafter as service may be effectuated, and pursuant to Federal Rule of Civil Procedure 45, the

undersigned will issue and serve the Subpoena Duces Tecum attached hereto as "Exhibit A", upon Robert King, a non-party to the above-captioned litigation, for the production of the items listed in said Subpoena at the time and place specified therein.

Dated: October 25, 2012

/s/Joel H. Holt, Esq.  
Joel H. Holt, Esq.  
Counsel for Plaintiff  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709  
holtvi@aol.com

#### CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October, 2012, I filed the foregoing with the Clerk of the Court, and delivered by ECF to the following:

Joseph A. DiRuzzo, III  
Fuerst Ittleman David & Joseph, PL  
1001 Brickell Bay Drive, 32nd. Fl.  
Miami, FL 33131  
[jdiruzzo@fuerstlaw.com](mailto:jdiruzzo@fuerstlaw.com)

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Fax: 973-842-0755  
Email: [dewoodlaw@gmail.com](mailto:dewoodlaw@gmail.com)

/s/Joel H. Holt, Esq.

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INJUNCTIVE AND  
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JURY TRIAL DEMANDED

SUBPOENADUCESTECUM  
(RECORDS ONLY)  
NO ORAL TESTIMONY WILL BE TAKEN

TO: ROBERT KING  
1212 BJERGE GADE  
CHARLOTTE AMALIE, ST. THOMAS, VI 00801



PLEASE TAKE NOTICE that pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are hereby commanded to appear at the Law Office of Joel H. Holt, located at 2132 Company Street, Christiansted, VI 00820 on Friday, November 2, 2012 at 1:00 p.m. and to have with you at that time and place the any and all the documents pertinent to the items identified below, which subpoena can be complied with by the delivery of said documents to the Law Office of Joel H. Holt prior to November 2, 2012:

1. All documents in your possession related to Y & S Corporation other than communications with your client that are protected by the attorney client privilege.
2. All documents in your possession related to R & S Corporation other than communications with your client that are protected by the attorney client privilege.

3. All documents in your possession related to the sale of stock transaction identified in the attached NOTICE OF PAYMENT OF PURCHASE PRICE AND AUTHORIZATION TO RELEASE STOCK CERTIFICATES, attached as Exhibit A, regarding the sale of stock by Hisham Hamed and Najah Yusef., including any privileged communications with Hisham Hamed, as the undersigned counsel represents Hisham Hamed as noted in the attached email dated October 1, 2012, attached as Exhibit B.
4. All documents showing the disbursement of any funds by you to any party regarding the proceeds from the sale of stock referenced in the attached NOTICE OF PAYMENT OF PURCHASE PRICE AND AUTHORIZATION TO RELEASE STOCK CERTIFICATES, attached as Exhibit A.

To the extent you will incur any copying or mailing expenses in complying with this subpoena, the undersigned counsel will pay for all such costs upon receipt of an invoice identifying those incurred expenses.

This subpoena is issued pursuant to Rule 45 of the Federal Rules of Civil Procedure. Pursuant to Rule 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: October 25, 2012**


  
Isl/Joel H. Holt, Esq.  
**Joel H. Holt, Esq.**  
*Counsel for Plaintiff*  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
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holtvi@aol.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of October, 2012, I filed the foregoing with the Clerk of the Court, and delivered by ECF to the following:

Joseph A. DiRuzzo, III  
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1001 Brickell Bay Drive, 32<sup>nd</sup> Fl.  
Miami, FL 33131  
jidruzzo@fuerstlaw.com

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2006 Eastern Suburb, Suite 101  
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Fax: 973-842-0755  
Email: dewoodlaw@gmail.com

  
Isl/Joel H. Holt, Esq.

**NOTICE OF PAYMENT OF PURCHASE PRICE AND  
AUTHORIZATION TO RELEASE STOCK CERTIFICATES**

To: Robert L. King, Esq.

Pursuant to that certain agreement of Sale of Stock dated June 15, 2000 by and between Hisham Hamed and Najah Yusef, as sellers, and Hakima Salem, as buyer, concerning the sellers' 1,000 shares of Y & S Corporation, a United States Virgin Islands corporation, the undersigned hereby gives you formal written notice that the purchase price has been paid in full on a timely basis and that you are authorized and directed to release the shares of stock that have been endorsed by the sellers to the buyer.

Buyer hereby authorizes and directs you to forward the endorsed shares of stock as well as the corporate minute book to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SELLERS


BUYER

\_\_\_\_\_  
HISHAM HAMED

\_\_\_\_\_  
HAKIMA SALEM

Date: \_\_\_\_\_

Date: \_\_\_\_\_

  
\_\_\_\_\_  
NAJAH YUSEF

Date: Feb. 06, 2012

Subj: **Y&S Corporation**  
Date: 10/1/2012 2:20:20 P.M. Atlantic Standard Time  
From: [Holtvi@aol.com](mailto:Holtvi@aol.com)  
To: [rlking@attyking.com](mailto:rlking@attyking.com)  
BCC: [wallyhsbx@yahoo.com](mailto:wallyhsbx@yahoo.com)

Bob-Hope all is well. I am doing some legal work for Hisham Hamed. He has asked me to get some documents from you regarding the sale of stock in the Y&S Corporation to Hakima Salem. I have attached one of the documents he provided me to assist you in this request. I would appreciate it if you could forward me the following documents:

- 1) The June 15, 2000, Sale of Stock Agreement referenced in the attached document
- 2) A fully executed copy of the attached document
- 3) A copy of the stock certificate being transferred (if there was one)
- 4) Evidence showing the receipt of funds from the Buyer for this purchase (check, etc.)
- 5) A copy of all documents showing the disbursement of funds by you (if you were the one receiving the funds)
- 6) A copy of the closing statement for this transaction

Can you forward these documents? If you have any questions, please give me a call. Thx.

Joel H. Holt  
2132 Company Street  
Christiansted, St. Croix  
Virgin Islands 00820

340-773-8709