

**IN THE SUPREME COURT OF THE VIRGIN ISLANDS**

FATHI YUSUF and UNITED CORPORATION, )  
 )  
 Appellants/Defendants, )  
 )  
 v. )  
 )  
 MOHAMMAD HAMED, by his )  
 authorized agent, WALEED HAMED, )  
 )  
 Appellee/Plaintiff. )  
 \_\_\_\_\_ )

S. Ct. Civ. No. 2013-0040  
 Re: Super. Ct. Civ. No. 370/2012(STX)

**APPELLANTS’ MOTION TO FILE SUPPLEMENTAL APPENDIX**

**COME NOW** Appellants/Defendants FATHI YUSUF and UNITED CORPORATION, by and through undersigned counsel, pursuant to VISCR 21 and 24, and hereby move for an order allowing the Appellants to file a supplemental appendix. In support of this motion for expedited review, the Appellants/Defendants state as follows:

1. Appellee makes the claim that Appellants waived an argument by failing to raise it below.
2. Appellants, however, did raise the argument below as demonstrated in their Joint Memorandum of Law in Support of their Proposed Findings of Fact and Conclusions of Law Regarding TRO/Preliminary Injunction Application.
3. In order to provide the factual support to counter Appellee’s argument that Appellants waived an argument Appellants need to provide their Joint Memorandum of Law in Support of their Proposed Findings of Fact and Conclusions of Law Regarding TRO/Preliminary Injunction Application to this Court. The only way this can be accomplished is by filing a supplemental appendix with this Court.

**WHEREFORE**, based on the foregoing, the Appellants/Defendants request that the Court grant the relief requested herein.

Respectfully submitted,

/s/ Joseph A. DiRuzzo, III

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*Counsel for Appellants/Defendants Fatbi Yusuf and United Corporation*

Dated: July 5, 2013

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was filed on VISCEFS on July 5, 2013, and the undersigned certifies that Clerk will electronically serve the foregoing pursuant to Rule 15(d) on:

*Joel H. Holt, Esq.*, counsel for Appellee/Plaintiff, 2132 Company St., St. Croix, VI 00820, [holtvi@aol.com](mailto:holtvi@aol.com);

*Carl J. Hartmann III, Esq.*, counsel for Appellee/Plaintiff, 5000 Estate Coakley Bay, L-6, Christiansted, VI 00820, [carl@carlhartmann.com](mailto:carl@carlhartmann.com).

Respectfully submitted,

/s/ Joseph A. DiRuzzo, III

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