

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

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MOHAMMED HAMED,

Plaintiff,

y.

FATHI YUSUF,
UNITED CORPORATION

Defendants.

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES

**DEFENDANTS' EXPEDITED MOTION
TO CLARIFY PRELIMINARY
INJUNCTION DATED APRIL 25TH, 2013**

UNOPPOSED

**DEFENDANTS' EXPEDITED MOTION TO CLARIFY PRELIMINARY INJUNCTION
DATED APRIL 25TH, 2013**

COME NOW, Defendants Fathi Yusuf and United Corporation, by and through their undersigned counsel and respectfully moves this honorable Court for an Order clarifying the Preliminary Injunction Order to exclude United's Tenants Account no. 9xxx1923 from the scope of the preliminary injunction as that account is a separate account, and is unrelated to the operations of any of the Plaza Extra Stores.

1. On April 25th, 2013, the Court issued a Preliminary Injunction ordering the parties to continue joint management of the operations of the Plaza Extra Stores.
2. The Preliminary Injunction also states that "all Plaza Extra Supermarket operating accounts will require two signatures, one of a designated representative of Hamed and a designated representative of Yusuf."
3. The Bank of Nova Scotia has taken the erroneous position that all operating accounts of United Corporation are covered under the Preliminary Injunction Order, including the United Corporation Tenant Account no. 9xxx1923, which is wholly separate from all of the other Plaza Extra operating accounts. Bank of Nova Scotia has requested that the


court clarify which accounts are to be excluded from the effects of the Preliminary Injunction before it could allow Defendants to disburse any funds without the signature of Plaintiff Hamed or a designated Hamed representative. See Letter of Bank of Nova Scotia, attached as **Exhibit A**.

4. **This Motion is unopposed.** See Plaintiff's Stipulation attached herewith.

Wherefore, it is respectfully requested that the Court enter an Order clarifying the April 25th, 2013 Preliminary Injunction Order to exclude United's Tenant Operating Account No. 9xxx1923 from the scope of the Preliminary Injunction order. A proposed Order is attached herewith.

Date: May 6, 2013


The DeWood Law Firm
Attorney for Defendant

By: 
Nizar A. DeWood, Esq.
2006 Eastern Suburb, Suite 102
Christiansted, V.I. 00820
T. (340) 773-3444
F. (888) 398-8428

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Motion was served upon the Plaintiff by Personal Delivery on this 6th day of May, 2013 at the below address.

Joel H. Holt, Esq.
2132 Company Street
Christiansted, VI 00820


Nizar A. DeWood, Esq.

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

MOHAMMED HAMED,

Plaintiff,

v.

FATHI YUSUF,
UNITED CORPORATION

Defendants.

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES

ORDER

ORDER

Before the Court is Defendants' Motion to Clarify the Court's Preliminary Injunction Order dated April 25th, 2013; the Motion is unopposed and has been stipulated to by the Plaintiff. Duly advised in the premises it is hereby

ORDERED that the Motion is GRANTED; **ORDERED** that Defendant United's Tenant Account No. 9xxx1923 is NOT subject to the Preliminary Injunction Order dated April 25th, 2013.

ORDERED that no signature shall be required from Plaintiff Hamed (or his designee) for the disbursement of any funds from Defendant United's Tenant Account No. 9xxx1923.

ORDERED that Defendants shall serve a copy of this Order on the Bank of Nova Scotia.

ORDERED this _____ day of May, 2013.

HON. DOUGLAS BRADY
SUPERIOR COURT JUDGE

ATTEST:
VENETIA VELASQUES
Clerk of the Court

By: _____
Deputy Clerk

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
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MOHAMMED HAMED,

Plaintiff,

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**FATHI YUSUF,
UNITED CORPORATION**

Defendants.

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES

JURY TRIAL

PLAINTIFF'S STIPULATION

Upon the representation of counsel for Defendants herein, Attorneys DiRuzzo and DeWood that the referenced account will not be used for any financial transaction related to Plaza Extra Supermarkets, Plaintiff hereby stipulates to Defendants' Motion to Clarify Preliminary Injunction Order dated April 25th, 2013, and hereby does not oppose same Motion.

Date: May 6th, 2013



Joel H. Holt, Esq.
2132 Company Street
Christiansted, St. Croix
U.S. Virgin Islands 00820
holtvi@aol.com

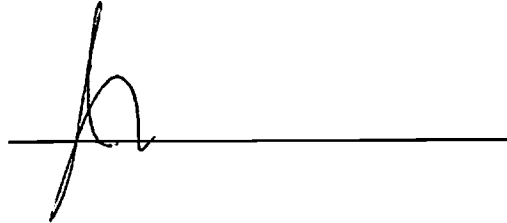
Carl J. Hartmann III, Esq.
Co-Counsel for Plaintiff
5000 Est. Coakley Bay, L6
Christiansted, VI 00820
Carl@carlhartmann.com
340-642-4422

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th of May, I caused a true and exact copy of the foregoing to be served by mail and email to:

Joseph A. DiRuzzo, III
Fuerst Ittleman David & Joseph, PL
1001 Brickell Bay Drive, 32nd. Fl.
Miami, FL 33131
305-350-5690
Email: jdiruzzo@fuerstlaw.com

NIZAR A. DEWOOD
The Dewood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820
340-773-3444
Email: dewoodlaw@gamil.com



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