

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

MOHAMMAD HAMED , by his authorized agent WALEED HAMED ,)	
)	
Plaintiff,)	CIVIL NO. SX-12-CV-370
)	
v.)	ACTION FOR DAMAGES,
)	INJUNCTIVE AND
FATHI YUSUF and UNITED CORPORATION ,)	DECLARATORY RELIEF
)	
Defendants.)	JURY TRIAL DEMANDED

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

COMES NOW, Defendant **United Corporation**, (hereinafter referred to as "United" or "Defendant"), by and through undersigned counsel, The DeWood Law Firm, by Nizar A. DeWood, Esq., and respectfully responds as follows to the Plaintiff's First Request For The Production Of Document to Defendant United Corporation.

Subject to the objections set forth below, Defendant responds as follows to Plaintiff's First Request For the Production of Documents.

PRELIMINARY STATEMENT

These responses and objections are made solely for the purpose of this action. Each response is subject to any and all objections as to competence, relevance, materiality, propriety, and admissibility; and any and all objections and grounds that would require the exclusion of any statement contained in any response, if such request were asked of, or any statement contained therein were made by, a witness present and testifying in court, all of which objections and grounds are hereby reserved and may be interposed at the time of trial.

The following responses are based upon information presently available to Defendant and, except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that Defendant has responded or objected to any Request should not be taken as an admission that Defendant accepts or admits the existence of any facts set forth or assumed by such Request, or that such response constitutes admissible evidence. The fact that Defendant has responded to part or all of any such Request is not intended and shall not be construed to be a waiver by Plaintiff of all or any part of any objection to any such Request.

GENERAL OBJECTIONS

Defendant makes the following general objections to Plaintiff's First Request For The Production Of Documents to United. These general objections apply to all or so many of the Requests, for convenience, they are set forth herein and are not necessarily repeated after each Request objected to. The assertion of the same, similar, or additional objections in the individual objections to these Request, or the failure to assert any additional objections to an Request does not waive any of Defendant's objections as set forth below:

1. Defendant objects to each request that uses the words "any" and "all" as being overbroad, unduly burdensome, immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

2. Defendant objects to each request to the extent it seeks the production of documents or information protected by the attorney-client, work product or other privileges. Only non-privileged documents, or portions thereof, will be produced.

3. Defendant objects to each request that uses the term "document," as defined, as overbroad, unduly burdensome, irrelevant, and immaterial to the extent that it calls for material unrelated to this case.

4. Defendant objects to each request to the extent that it uses terms or phrases that are vague, ambiguous, or undefined. Defendant's answer to each such request is based upon its understanding of the request.

5. Defendant objects in part to each request that asks for responses or documents that fall outside the scope of this litigation. To the extent the requests seek production of such documents; the requests impose an undue burden and expense. Further, such documents are irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

6. Defendant objects to each request to the extent it requires information outside of its possession, custody or control.

7. Defendant is continuing its efforts to identify non-privileged documents that are responsive to Plaintiff's First Request For The Production Of Documents. Consequently, information may be supplemented by subsequently discovered documents.

8. Each response the Defendant gives is subject to all of the above general objections and all specific objections listed below. Inadvertent production of privileged documents shall not be deemed a waiver.

SPECIFIC OBJECTIONS AND RESPONSES

Subject to and incorporating by reference each of the General Objections set forth above, Defendant responds to Plaintiff's First Request For The Production Of Documents as follows:

REQUESTS

1. All documents during the Relevant Time Period making reference to a "joint venture" or "annuity" in connection to Mohammad Hamed's relationship to Fathi Yusuf, Plaza Extra Supermarkets or United. (Defendant may, but need not supply documents related to Territorial Court case of Idheileh v. United unless a joint venture between United or Fathi Yusuf and Mohammad Hamed are involved.)

Response to Request No. 1:

None.

2. All documents making reference to "partners" or "partnership" in connection to Mohammad Hamed's relationship to Fathi Yusuf, Plaza Extra Supermarkets or United. (Defendant may, but need not supply documents making such a reference already before this Court in exhibits or filings.)

Response to Request No. 2:

None, other than the documents already referenced by Plaintiff in the Complaint, Amended Complaint and Preliminary Injunction.

3. All documents which show how *profits* generated by the three Plaza Extra Supermarkets were *distributed* from 1986 to present.

Response to Request No. 3:

No profits have been distributed. Withdrawals were made by the Plaintiff and/or his designees per signed receipts. Numerous records and documents are in the possession of a Third Party: The United States Attorney's Office and are currently unavailable for production, except for the August 26, 2013 Production of Documents (Bates #1 through #111638) from the Criminal Case already provided on CDs.

4. All documents exchanged between United Corporation and Mohammed Hamed (either directly to him or through Waleed Hamed) since 1986.

Response to Request No. 4:

Objection, as to scope of documents and relevancy. Such documents if any are equally available to the Plaintiff.

5. The filed tax returns of Defendant United Corporation for the years 2002 to present.

Response to Request No. 5:

Objection as to relevancy of United Corporation's Tax Return, Plaintiff has already been provided with all Financial Statements, Financial Accounting records and Defendant United continues to provide same upon request.

6. All correspondence between Defendant (or counsel for defendant) and the U.S. Attorney's Office, U.S. Marshal's Office or the Virgin Islands Bureau of Internal Revenue from January 1, 2013 to date.

Response to Request No. 6:

Objection as to relevancy of all correspondence in request, in that the requested documentation is not reasonably related to the discovery of relevant and admissible evidence to the tax liabilities of United Corporation's and/or United Corporation's tax reporting obligations;

Objection as to relevancy in that the requested documentation is not reasonably related to the discovery of relevant and admissible evidence as to the U.S. Marshal's monitoring of United Corporation under the scope of the Criminal TRO currently in place (Entered by the District Court of the Virgin Islands);

Objection as to the relevancy in that the requested documentation is not reasonably related to the discovery of relevant and admissible evidence of the resolution of the on-going Federal Criminal Case as Judge Brady has clearly indicated that the Superior Court of the Virgin Islands cannot interfere with the on-going Federal Criminal Case.

7. All documents evidencing the removal, transfer, subsequent transfer and use of funds from any United bank account or brokerage accounts relating to:

- a). the \$2,784,706.25 removed in August of 2012 attached as Exhibit A,
- b). funds paid to United's or Yusuf's counsel in this case since September 2012.
- c). Any funds paid to any person or entity between September 2012 and the current date by United other than through any of the bank accounts for the three Plaza Extra Supermarkets.

Response to Request No. 7:

- b) Objection on grounds of harassment, and oppressive requests for private information with no relevancy in that the requested documentation is not reasonable related to the discovery of relevant and admissible evidence as to any of the causes of actions asserted.
- c) Objection as to scope and relevancy of request in that the requested documentation is not reasonable related to the discovery of relevant and admissible evidence as to any of the causes of actions asserted.

8. All documents evidencing any communications with Popular Securities, Inc. since March 1, 2013.

Response to Request No. 8:

See attached copy of email correspondences (See attached Bates® -Stamp 00111647 through 00111656).

9. All documents evidencing issuance, sale, gift or other transfer of stock of United corporation to any third party since the corporation was formed to the current date, including but not limited to the corporation's stock transfer ledger and copies of all stock certificates (both new and canceled).

Response to Request No. 9:

None. No Stocks have ever been transferred to third parties.

10. All documents showing the accounting for the funds listed in Exhibit B attached as well as all records showing where said funds are currently located.

Response to Request No. 10:

Defendants have no documents regarding Exhibit B. Possible documents may be in the possession of a third party: The U.S. Government except for the August 26, 2013, Production of Document (Bates #1 through #111638 from the Criminal Case already provided on CDs.

11. All documents showing the withdrawal of funds by any member of the Yusuf or Hamed families for the relevant time period from the funds generated by the three Plaza Extra Supermarkets, other than regular payroll checks.

Response to Request No. 11:

Documents are possibly in the possession of the U.S. Government.

12. All documents showing the accounting (or partial accounting) of funds withdrawn by any member of the Yusuf or Hamed families for the relevant time period from the funds generated by the three Plaza Extra Supermarkets, other than regular payroll checks.

Response to Request No. 12:

As testified by Maher Yusuf in the TRO, these documents were produced to Counsel for Plaintiff during informal Mediation. Other documents relating to this Request for Production of Document are possibly in possession of the U.S. Government, except

for the August 26, 2013, Production of Documents (Bates #1 through Bates #111638)
from the Criminal Case already provided on CDs.

Dated: September 19th, 2013

Respectfully Submitted,
THE DEWOOD LAW FIRM



Nizar A. DeWood, Esq.

V.I. Bar No: 1197

2006 Eastern Suburb, Suite 102

St. Croix, USVI 00820

Tel: 340.773.3444

Fax: 888.398.8428

Email: dewood@gmail.com

Counsel for Defendant

Joseph A. DiRuzzo, III, Esq.

Christopher David, Esq.

Fuerst Littleman David & Joseph, PL

1001 Brickell Bay Drive, 32nd. Floor

Miami, FL 33131

Tel: 305.350.5690

Fax: 305.371.8989

Email: jdiruzzo@fuerstlaw.com

Email: cdavid@fuerstlaw.com

Co-Counsel for Defendant

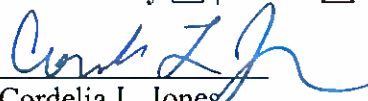
CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT a true and exact copy of the foregoing was served
via U.S. Mail, postage prepaid, fax, electronic mail or hand delivery on this the 19th day of
September 2013 to wit:

Joel H. Holt, Esq.
Law Office of Joel H. Holt
2132 Company Street
Christiansted, USVI 00820
Email: holtvi@aol.com
Counsel for Plaintiff

Carl J. Hartmann III, Esq.
5000 Estate Coakley Bay
Unit L-6
Christiansted, USVI 00820
Email: carl@carlhartmann.com
Co-Counsel for Plaintiff

via: CM/ECF | Mail | Fax | Hand Delivery | Email


Cordelia L. Jones
Certified Paralegal



U.S. Department of Justice
United States Marshals Service
Asset Forfeiture Division

Alexandria, VA 22301-1025

June 25, 2013

Joseph DiRuzzo
Fuerst Ittleman David and Joseph PL
1001 Brickell Bay Dr.
32nd Floor
Miami, FL 33131

Dear Mr. DiRuzzo:

Per the Court Order issued by U.S. Magistrate Judge G. Barnard (Docket entry 1368) regarding United States, et al., v. United Corp., et al, case no. 1:05-cr-15 (D.V.I). the United States Marshals Service authorizes you to request two (2) certified checks (one in the amount of \$1M, the second in the amount of \$5,000) both made payable to the Clerk, District Court of the Virgin Islands be issue by Banco Popular from the United Corporation account at Banco Popular.

If you have any questions please feel free to contact me at Maggie.Doherty@usdoj.gov and by phone at (202).353.8333.

Sincerely,

Maggie Doherty
Case Manager
Complex Assets Unit
Asset Forfeiture Division

From: Mike Yusuf
Sent: Tuesday, June 25, 2013 5:27 PM
To: Roberto Rivera Vazquez
Subject: approval for two checks

Hi Mr. Rivera, attach is an approval from the Marshall Service for two certified checks, can you have these checks ready at your earliest convenience.

Thank You

From: "Mike Yusuf"
Date: September 18, 2013, 2:21:00 PM AST
To: "Nizar DeWood"
Subject: FW: United Corporation

Mike Yusuf
14 Estate Plessen
St. Croix, USVI 00840
340-719-1870 PH
340-719-1874 Fax

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-----Original Message-----
From: Roberto Rivera Vazquez
Sent: Monday, July 01, 2013 11:55 AM
To: Maher Mike Yusuf
Cc: Karlamary Aleman; Carlos De Sevilla Rios
Subject: Fwd: United Corporation

Hola Mike. I just received an e-mail from our Compliance officer.

Basically, he is telling me he spoke to someone at the Marshalls office today and they told him Ms. Maggie Doherty is out until Friday. They told him the final approval regarding de \$1.05mm withdrawal has to come from her.

I will follow up with my Compliance first thing Friday for an update and will call you immediately.

Saludos.

RR

Sent from my iPhone

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From: "Mike Yusuf"
Date: September 18, 2013, 2:21:16 PM AST
To: "Nizar DeWood"
Subject: FW: United Corp



Mike Yusuf
14 Estate Plessen
St. Croix, USVI 00840
340-719-1870 PH
340-719-1874 Fax

IMPORTANT: This e-mail is subject to the Electronics Communications Privacy Act, 18 U.S.C. §§2510-2521, and contains information which is or may be confidential and/or privileged. The information contained in this e-mail message, together with any attachments or links contained herein, is strictly confidential and intended only for the use of the recipient named above. If the reader of this email is not the intended recipient, you are notified that any use, distribution, or copying of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify Maher (Mike) Yusuf, immediately by telephone 340-690-9396, and return the original message to him at the above address via the United States Postal Service. Thank You.

From: Roberto Rivera Vazquez
Sent: Tuesday, July 09, 2013 4:02 PM
To: Maher "Mike" Yusuf
Cc: Illich Colon Munoz; Carlos De Sevilla Rios; Oran Bowry; Sam Grey; Karlamary Aleman
Subject: Fwd: United Corp

Hola Mike. Banco Popular Compliance still has the \$1.05mm withdrawal request under review. As requested by Mr Colon in the e-mail below, kindly forward a copy of the court order referenced in the letter from the US Marshall's Office (Ms. Doherty) approving the withdrawal.

Saludos.

RR

Sent from my iPhone

Begin forwarded message:

From: "Illich Colon Munoz"
Date: July 9, 2013, 3:49:02 PM AST
To: "Roberto Rivera Vazquez"
Cc: "Carlos De Sevilla Rios" >, "Oran Bowry" >, "Sam Grey" >, "Karlmary Aleman" < >
Subject: Re: United Corp

How can we get a copy of the court order referenced in the letter?

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From: "Mike Yusuf"
Date: September 18, 2013, 2:21:52 PM AST
To: "Nizar DeWood"
Subject: FW: United Corporation Court Order release of funds



Mike Yusuf
14 Estate Plessen
St. Croix, USVI 00840
340-719-1870 PH
340-719-1874 Fax

IMPORTANT: This e-mail is subject to the Electronics Communications Privacy Act, 18 U.S.C. §§2510-2521, and contains information which is or may be confidential and/or privileged. The information contained in this e-mail message, together with any attachments or links contained herein, is strictly confidential and intended only for the use of the recipient named above. If the reader of this email is not the intended recipient, you are notified that any use, distribution, or copying of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify Maher (Mike) Yusuf, immediately by telephone 340-690-9396, and return the original message to him at the above address via the United States Postal Service. Thank You.

From: Roberto Rivera Vazquez
Sent: Wednesday, July 10, 2013 3:40 PM
To: Eduardo Del Rio; Karlamary Aleman
Cc: Maher "Mike" Yusuf
Subject: Fwd: United Corporation Court Order release of funds

Eduardo:

As per authorization below from our Compliance Officers, proceed immediately with issuance of checks totaling \$1,005,000 from account PSF-002763.

Call me to confirm details. I want to give client clear check delivery instructions.

Gracias.

RR

Sent from my iPhone

Begin forwarded message:

From: "Illich Colon Munoz"
Date: July 10, 2013, 3:33:01 PM AST
To: "Roberto Rivera Vazquez" >, "Carlos De Sevilla Rios"
Cc: "Sam Grey" >, "Oran Bowry" >
Subject: RE: United Corporation Court Order release of funds

We have received authorization from the US Marshalls Office and Mr. Hamed's attorney has indicated that he has no objection to the requested disbursement of \$1,005,000 from United Corporation's accounts with Popular Securities. You may proceed with the disbursement as ordered by the Federal District Court of the Virgin Islands and as authorized by the US Marshalls Office on June 25, 2013.

Cordially,

Illich Omar Colon
Legal Counsel
Banco Popular de Puerto Rico
(787) 753-1017
(787) 765-9800 x6864

-----Original Message-----

From: Roberto Rivera Vazquez
Sent: Wednesday, July 10, 2013 3:19 PM
To: Illich Colon Munoz; Carlos De Sevilla Rios
Cc: Sam Grey; Oran Bowry; Karlamary Aleman; Maher Mike Yusuf
Subject: Re: United Corporation Court Order release of funds

Gentlemen:

This is my third follow-up today and I have received no response. As per conversation with the client this afternoon, there has been an agreement with the Court to have these funds out to them by Monday. We are concerned as to what the hold up is? More importantly the Marshall monitor, Ms Doherty, has been back from vacation since July 5th, have you contacted her to confirm the US Marshall's disbursement order?

Carlos, do you authorize me to contact her directly and get an e-mail confirmation from her? We need an immediate response for the client.

Please advice and call me as soon as possible.

RR

Sent from my iPhone

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U.S. Department of Justice
United States Marshals Service
Asset Forfeiture Division

Alexandria, VA 22301-1025

June 20, 2013

Randall P. Andreozzi
Andreozzi, Bluestein, Fickess, Muhlbauer Weber, Brown LLP
9145 Main Street
Clarence, New York 14031

Dear Mr. Andreozzi:

Per the request dated June 19, 2013, the United States Marshals Service authorizes you to request the release of \$315,747.00 from the Banco Popular Securities account so that payment of taxes due for the taxable years 2002 through 2012 for Waleed Hamed and Waheed Hamed can be paid.

If you have any questions please feel free to contact me at Maggie.Doherty@usdoj.gov and by phone at (202).353.8333.

Sincerely,

Maggie Doherty
Case Manager
Complex Assets Unit
Asset Forfeiture Division

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

MOHAMMAD HAMED, by his authorized)
agent WALEED HAMED,)
) CIVIL NO. SX-12-CV-370
Plaintiff,)
) ACTION FOR DAMAGES,
v.) INJUNCTIVE AND
) DECLARATORY RELIEF
FATHI YUSUF and UNITED CORPORATION,))
)
Defendants.) JURY TRIAL DEMANDED
_____)

**NOTICE OF SERVICE OF DEFENDANT UNITED CORPORATION'S
RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

COMES NOW, Defendant **United Corporation**, by and through undersigned counsel, The DeWood Law Firm, by Nizar A. DeWood, Esq., and pursuant to Fed R. Civ. P. 33 and L.R.C.i 33.1, respectfully gives notice of service on Plaintiff's Counsel of Record of Defendant's Responses to Plaintiff's First Request for Production of Documents.

Respectfully submitted:

THE DEWOOD LAW FIRM

By: 

Nizar A. DeWood, Esq.

V.I. Bar No. 1177

2006 Eastern Suburb, Suite 102

St. Croix, USVI 00820

Telephone: 340.773.3444

Facsimile: 888.398.8428

Counsel for Defendant

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Christopher David, Esq.

Fuerst Littleman David & Joseph, PL

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Tel: 305.350.5690

Fax: 305.371.8989

Co-Counsel for Defendant

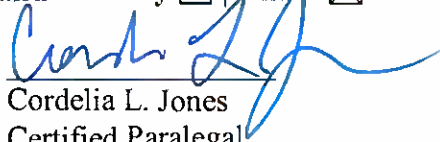
CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT a true and exact copy of the foregoing was served via U.S. Mail, postage prepaid, fax, electronic mail or hand delivery on this the 19th day of September 2013 to wit:

Joel H. Holt, Esq.
Law Office of Joel H. Holt
2132 Company Street
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Counsel for Plaintiff

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Christiansted, USVI 00820
Email: carl@carlhartmann.com
Co-Counsel for Plaintiff

via: **CM/ECF** | **Mail** | **Fax** | **Hand Delivery** | **Email**


Cordelia L. Jones
Certified Paralegal