

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

**UNITED CORPORATION,**

*Plaintiff,*

v.

**WAHEED HAMED,**  
*(a/k/a Willy or Willie Hamed),*

*Defendant.*

**Case No.: 2013-CV-101**

**ACTION FOR DAMAGES**

**JURY TRIAL DEMANDED**

**PLAINTIFF UNITED CORPORATION'S ANSWERS TO  
DEFENDANT'S [CORRECTED] FIRST SET OF INTERROGATORIES**

**COMES NOW**, Plaintiff, **United Corporation**, (hereinafter referred to as "United" or "Plaintiff"), by and through undersigned counsel, The DeWood Law Firm, by Nizar A. DeWood, Esq., and respectfully answers as follows the Defendant's [Corrected] First Set of Interrogatories to Plaintiff.

Subject to the objections set forth below, Plaintiff answers as follows the [Corrected] First Set of Interrogatories propounded by Defendant.

**PRELIMINARY STATEMENT**

These answers and objections are made solely for the purpose of this action. Each answer 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 answers are based upon information presently available to Plaintiff and, except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that Plaintiff has answered or objected to any interrogatory should not be taken as an admission that Plaintiff accepts or admits the existence of any facts set forth or assumed by such interrogatory, or that such answer constitutes admissible evidence. The fact that Plaintiff has answered to part or all of any such interrogatory is not intended and shall not be construed to be a waiver by Defendant of all or any part of any objection to any such interrogatory.

#### **GENERAL OBJECTIONS**

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

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

5. Plaintiff objects in part to each request that asks for answers 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. Plaintiff objects to each request to the extent it requires information outside of its possession, custody or control.

7. Plaintiff is continuing its efforts to identify non-privileged documents that are responsive to Defendant's [Corrected] First Set of Interrogatories. Consequently, information may be supplemented by subsequently discovered documents.

8. Each answer the Plaintiff 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,  
Plaintiff answers Defendant's [Corrected] First Set of Interrogatories as follows:

**INTERROGATORIES**

1. Describe all agreements, written or oral, regarding non-competition or mandatory disclosure of business or financial interests in connection to Hamed's relationship to Fathi Yusuf, Plaza Extra Supermarkets or United.

**Answer to Interrogatory No. 1:**

Written Agreement, none. Agreement is oral.

2. Describe all agreements created by operation of law regarding non-competition or mandatory disclosure of business or financial interests in connection to Hamed's relationship to Fathi Yusuf, Plaza Extra Supermarkets or United.

**Answer to Interrogatory No. 2:**

The only business relationship Waheed Hamed had was to United Corporation d/b/a Plaza Extra, as an employee at Plaza Extra. The Oral Agreement with Mohammed Hamed was all efforts of his family and the Yusuf Family were devoted to be devoted to Plaza Extra.

The requirement of disclosure of business or financial interests was required to ensure that all time and energy of the Yusuf Family and Hamed Family, were devoted to Plaza Extra.

3. Describe all facts presently **known** (not deduced by implication or assumption) to United regarding any business being run by Hamed during the Relevant Time Period. (This shall not include United or Plaza Extra Supermarkets.)

**Answer to Interrogatory No. 3:**

Objection, harassing. This information is known to the Defendant and in the Defendant's possession. Further, Defendant is requesting information that is easily attainable via public records through the Department of Licensing and Consumer Affairs, U.S. Virgin Islands and the Corporations Division of the Office of Lt. Governor, U.S. Virgin Islands. Without waiving said objection, and as Discovery is ongoing Plaintiff reserves the right to supplement its Answer.

Plaintiff United is awaiting full access to all records currently in the custody of the United States Attorney's Office.

4. Describe all facts presently **known** (not deduced by implication or assumption) to United regarding any business in which Hamed participated in any manner during the Relevant Time Period. (This shall not include United or Plaza Extra Supermarkets.)

**Answer to Interrogatory No. 4:**

See, Defendant Waheed Hamed's 1992 Tax Return. As Discovery is ongoing, Plaintiff reserves the right to supplement this Interrogatory pursuant to Fed. R. Civ. P. 26(e); and if the requested information is obtained, it will be made available.

5. State all facts presently **known** to United regarding other sources of funding Hamed may have had in 1991-1993, including but not limited to savings, gifts, investments from others.

**Answer to Interrogatory No. 5:**

To the best of Plaintiff's knowledge, none, except salary from Plaza Extra.



6. Describe in detail how *profits* from the Plaza Extra Supermarket were *distributed* from 1986 to 1999 to members of the Yusuf family. This shall include detail of funds used to purchase joint real estate, joint corporations formed or any other movement of funds from United or Plaza Extra to any Hamed or Yusuf other than by payroll.

**Answer to Interrogatory No. 6:**

Objection as to Relevancy, and Scope. Net profits were not distributed. Net proceeds from the operations of Plaza Extra were used to make investments in Real Estate and other businesses in which the Hamed Family were given a 50% interest.

To the extent the Agents of Hamed, such as Defendant, took proceeds of Plaza Extra, none were distributed to the Yusuf Family.

7. Describe the percentile ownership of United's stock from inception to date, including the date of any transfers of such stock.

**Answer to Interrogatory No. 6:**

**United Corporation as an S-Corp.:**

<u>Name</u>	<u>Address</u>	<u>Title</u> <sup>12</sup>	<u>Percentage</u>
Fathi Yusuf	4 C & D Sion Farm Christiansted, USVI	Secretary/Treasurer	36.0%
Fawzia Yusuf	92 La Grande Princess Christiansted, USVI	Vice President	36.0%
Maher Yusuf	4 C & D Sion Farm Christiansted, USVI	President	7.0%
Nejeh Yusuf	St. Thomas, USVI		7.0%
Yusuf Yusuf	92 C&D La Grande Princess Christiansted, USVI		7.0%
Zayed Yusuf	Texas		7.0%
Zeyad Yusuf	USVI		0.0% <sup>3</sup>

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<sup>1</sup> All Board of Directors

<sup>2</sup> All Shareholders

<sup>3</sup> On March 1, 2012, Zeyad Yusuf transferred 3 ½ of his shares to Fathi Yusuf and 3 ½ shares to Fawzia Yusuf.

8. Describe all facts supporting United's averment in the Amended Complaint, within paragraph 1, that:

John Doe 1-10 [are] persons who have worked knowingly, and jointly with Waheed Hamed in the commission of each of the causes of action alleged herein.

**Answer to Interrogatory No. 8:**

In 1992 Defendant's brother Waleed Hamed had to authorize any disbursements to Defendant. In 1994, Defendant was in charge of all cash proceeds and the safe. Defendant failed to record several cash transactions and to do so had to have the assistance of others, named as John Doe. As Discovery is ongoing, Plaintiff reserves the right to supplement this Interrogatory pursuant to Fed. R. Civ. P. 26(e); and if the requested information is obtained, it will be made available.

9. Describe in detail the transaction that led to United being a party to a joint venture with Mohammad Hamed as set forth in United's averment in the January 8, 2013, United Corporation complaint in the V.I. Superior Court, St. Croix Division, against Waleed Hamed and John Does 1-10, *United Corporation v Waleed Hamed, et. al.*, Civil No. SX-13-CV-3 that:

**Answer to Interrogatory No. 9:**

Sometime in 1984, Plaintiff United Corporation, through its shareholder and then President, Fathi Yusuf, entered into an oral agreement, with Defendant's Father, Mohammed Hamed, whereby Fathi Yusuf agreed to share 50% of the Net Proceeds from the operations of the Plaza Extra Supermarket(s) managed by United Corporation.

10. Describe all facts presently **known** to United regarding the existence or operation of a wholesale grocery business called "5 Corner's Mini Mart" as the same is described in paragraph 16 of the Amended Complaint as well as any involvement of Hamed with it.

**Answer to Interrogatory No. 10:**

Defendant, per his tax documents, listed himself as the owner of the "now closed" 5-Corner Mini Mart, St. Croix, Virgin Islands.

11. With regard to the averments of the Amended Complaint including those in paragraph 28:

28. Defendant Waheed Hamed has knowingly converted substantial funds and assets belonging to Plaintiff United. Plaintiff never consented or agreed to Defendant Hamed's unauthorized use of its funds and assets. As such, Defendant Hamed is liable for conversion.

describe all facts presently known to United about any actual business opportunities Hamed usurped/took, inventory or other assets he converted/took or cash he converted/took. For each, describe the date or approximate date, a description, the specific amount or value, the proof that Hamed was the person involved and the ultimate recipient.

**Answer to Interrogatory No. 11:**

Defendant made deposits into a Scotiabank account in the name of his father in amounts greater than was authorized for the specified purpose. Although the funds are shown to have been deposited into an account in the name of Defendant's Father, such funds were never used for the authorized purpose.

Documents and other evidence currently in the custody of a third party (United States Attorney's Office). Pursuant to Fed. R. Civ. P. 26(e), Plaintiff will supplement its answer to this discovery upon receipt and review of said documents.

12. Describe the facts presently known to United as to the effect of the 1992 fire on Plaza Extra's operations, and how and when Hamed took assets from the Plaza Extra Store or took opportunities for the period from January 4, 1992 to April 31, 1993.

**Answer to Interrogatory No. 12:**

Defendant's 1992 Tax Return shows that he purchased inventory for "5 Corners 'Mini Market'" in an amount \$49, 327.00 when defendant was earning less than Twenty-five and 00/100 (\$25,000.00) Dollars from Plaza Extra. Defendant's Tax Return show sales of \$37, 350.

Pending discovery, Plaintiff is unaware of any facts regarding what assets, inventory, or cash that Defendant Hamed may have taken from Plaza Extra Store. Defendant Hamed is in full possession and knowledge concerning any assets taken from any of the Plaza Extra stores.

As discovery is ongoing, pursuant to Fed. R. Civ. P. 26(e), Plaintiff reserves the right to supplement its Answer.

13. Describe in detail all inspections, review or visits by United or its counsel to the documents held by the federal government as alleged in the Amended Complaint, including, but not limited to: the dates, times, what was present, lists of documents examined (copied or scanned) and the persons present and number of persons present.

**Answer to Interrogatory No. 13:**

Objection as to scope and relevancy. Notwithstanding, Plaintiff United is not in possession of a detailed schedule of when documents were inspected and by whom during over nine (9) years of litigation. These documents are in the possession of Waleed Hamed who was in charge of reviewing and paying United Corporation's legal bills in the criminal case for all defendants. A search for these records proved futile. These records will be subpoenaed or requested during the discovery process. As Discovery is ongoing, Plaintiff reserves the right to supplement its answers pursuant to Fed. R. Civ. P. 26(e).



14. Describe in detail how and when United obtained the right to access the documents described in 13, both prior to 2010 and when access was restored following the plea agreement. Include but do not limit this to the period when United "received" Hamed's tax returns as set forth in the Amended Complaint.

**Answer to Interrogatory No. 14:**

The records which will show dates responsive to this request were removed from United Premises. As such this information is not currently available to United Corporation and will be obtained by subpoena or deposition during the discovery from United Corporation's prior counsel in the Criminal Case. Plaintiff will supplement pursuant to Fed. R. Civ. P. 26(e).

Dated: October 9<sup>th</sup>, 2013

Respectfully Submitted,

**THE DEWOOD LAW FIRM**



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*Co-Counsel for Plaintiff*

**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 9<sup>th</sup> day of October 2013 to wit:

**Carl J. Hartmann III, Esq.**  
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