

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

MOHAMMED HAMED,)	Case No. SX-12-CV-370
)	
)	DEFENDANT’S FIRST SET OF
Plaintiff,)	INTERROGATORIES TO
vs.)	PLAINTIFF MOHAMMED HAMED
)	
FATHI YUSUF)	
UNITED CORPORATION,)	
)	
Defendants.)	
_____)	

DEFENDANT FATHI YUSUF’S FIRST SET OF INTERROGATORIES TO
PLAINTIFF MOHAMMED HAMED

TO: **MOHAMMED HAMED**
c/o Joel H. Holt, Esq.
2101 Company Street
Christiansted VI 00820

Defendant, Fathi Yusuf, by and through its undersigned counsel, pursuant to Fed. R. Civ. P. 33 and 34, hereby propounds and serves the following written Interrogatories to the Plaintiff Mohammed Hamed, to be answered separately and fully in writing, under oath, as well as requests to produce the following documents, within thirty (30) days from the date hereof. If additional space for the answer to an Interrogatory is needed, attach a separate page and indicate the Interrogatory which is being answered.

I.
DEFINITIONS

For the purpose of these Interrogatories, the following words shall have the meaning indicated below:

- A. The term “Hamed” and/or “You” or “Your” shall mean Mohammed Hamed, the Plaintiff in the above-styled action, and his present and former agents, employees,

representatives, affiliated companies, as well as any persons or entities associated or connected therewith and her present and former legal counsel.

- B. The term “Yusuf” shall mean Fathi Yusuf, a Defendant in the above-styled action, and his present and former agents, employees, representatives, affiliated companies, as well as any persons or entities associated or connected therewith and her present and former legal counsel..
- C. The term “Waleed Hamed” shall mean Waleed Hamed, son of Mohammed Hamed, individually and in his role or acting in his capacity as agent for or with power of attorney for Mohammed Hamed and his present and former agents, employees, representatives, affiliated companies, as well as any persons or entities associated or connected therewith and her present and former legal counsel. .
- D. The term “United Corporation” shall refer to United Corporation, a Defendant in the above-styled action which corporation was created in 1979.
- E. “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside their scope.
- F. “Any/All” shall both mean any and all as appropriate in order to bring within the scope of these interrogatories information and documents which might otherwise be considered to be beyond their scope.
- G. “Document” as used herein shall mean any handwritten, typewritten, printed, transcribed, impressed, recorded or other physical or tangible embodiment of a communication within the scope of Fed. R. Civ. P. 34(a)(1), however produced or reproduced, now or at any time in your possession, custody or control, including but not limited to: letters, notes, preliminary drafts (including metadata), reports, spreadsheets, emails, electronic messages and/or online chats (i.e. twitter, facebook, blog, message), text messages, memoranda, interoffice communications, analyses, minutes, contracts, agreements, cables, telegrams, statements, entries, affidavits, briefs, pleadings, decrees, transcriptions, recordings, diagrams, charts, photographs, and articles, and any copies, facsimiles or reproductions of the foregoing, no matter how or by whom prepared, and all drafts prepared in connection with the foregoing. Without limitation of the term “control” as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual physical possession thereof. If any document requested was in your possession or subject to your control, but is no longer, state what disposition was made of it, and the date or dates on which such disposition was made.
- H. The term “communication” or “communications” means the written or oral transmittal of information (in the form of facts, ideas, inquiries or otherwise).

- I. "Relating to" or "related to" means consisting of, referring to, describing, discussing, constituting, evidencing, containing, reflecting, mentioning, concerning, pertaining to, citing, summarizing, analyzing or bearing any logical or factual connection with the matter discussed.
- J. The words "pertain to" or "pertaining to" shall mean relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- K. "Company" or "entity" means any form of business whatever organized, including, without limitation, any corporation, sole proprietorship, partnership (general or limited), joint venture, association, group, government agency, firm or other business enterprise or legal entity which is not a natural person, and means both the singular and plural.
- L. "Define" when used with reference to a phrase or term, means (a) state the meaning of the phrase or term; and (b) identify each person known by Hamed to have personal knowledge regarding the meaning of such phrase or term upon whose testimony Hamed presently intends to rely at trial.
- M. "Describe", means to explain fully by reference to underlying facts rather than conclusions of fact or law.
- N. "Identify" means as follows:
 - (A) "Identify" and "identification" when used with reference to a natural person, means to state his or her (a) full name; (b) present business and/or residence address and telephone numbers; (c) present business affiliation, address, title or position; (d) if different from (c), the group, organization or business the person was representing at any time relevant to the answer to a specific Interrogatory; and (e) home address. If this information is not known, furnish such information as was last known.
 - (B) "Identify" and "identification" when used with reference to a business entity, means to state its (a) full name; (b) form or organization (e.g., corporation, partnership); (c) place of incorporation; and (d) address of its principal place of business. If this information is not known, furnish such information as was last known.
 - (C) "Identify" and "identification" when used with reference to an act, action, activity, omission or event, means to state (a) the identity of persons who participated in such act, action, activity, omission, or event; (b) the date and place of such act,

action, activity, omission, or event in detail; and (c) the identity of each person having knowledge of the act, action, activity, omission, or event.

(D) "Identify" and "identification" when used in reference to a document, means to state (a) the type of document or some other means of identifying it (e.g., letter, memorandum, report, etc.); (b) its subject matter; (c) the identity of its author(s), signer(s), and any person who participated in its preparation; (d) the identity of each addressee or recipient; (e) the identity of each person to whom copies were sent and each person by whom copies were received; (f) its title and date; and (g) its present location and the identity of its custodian (if any such document was, but is no longer in, the possession of or subject to the control of the Defendants, state what and when disposition was made of it).

(E) "Identify" and "Identification" when used with reference to a conversation, oral communication, discussion, oral statement or interview, means (a) state the date upon which it took place; (b) identify each person who participated in it, witnessed it and/or overheard it; (c) state what was said by each such person, including the issues and matters discussed; and (d) identify each document which describes or relates to it.

- O. "Individual" or "Person" means any natural person, including without limitation, an officer, director, employee, agent, representative, distributor, supplier, independent contractor, licensee or franchisee, and it includes any corporation, sole proprietorship, partnership, joint venture, group, government agency and agent, firm or other business enterprise or legal entity, which is not a natural person, and means both the singular and the plural.
- P. "Parties" as used herein shall be interpreted to refer to all parties to this litigation.
- Q. "Person" includes a corporation, partnership or other business associate or entity, natural person and any government or governmental body, commission, board or agency.

II. **INSTRUCTIONS**

1. Each Interrogatory shall be continuing so as to require you to file supplemental answers pursuant to Fed R. Civ. P. 26.

2. Each Interrogatory calls for information in your possession, custody or control, or in the possession, custody or control of Hamed's present or former officers, directors, employees, representatives, agents, consultants, contractors, subcontractors, and legal counsel, unless privileged or otherwise protected.

3. With respect to any information that is withheld on a claim of privilege, provide at the time of responding to these Interrogatories, a statement signed by an attorney representing Hamed setting forth as to each such item of information withheld:

- (a) the identity of the person(s) having knowledge of the information;
- (b) the identity of the persons to whom the information was communicated or otherwise made available;
- (c) the job title or position of every person identified in response to subparagraphs (a) and (b);
- (d) the date(s) on which the information was received or became known by each person having knowledge of its existence;
- (e) a brief description of the nature and subject matter of the information; and
- (f) the statute, rule or decision that is claimed to give rise to the privilege.

4. Each part of the following Interrogatories, whether a numerical paragraph or one of the subparagraphs, is to be answered separately and fully.

5. If objection is made to an Interrogatory, or any portion thereof, the Interrogatory or portion thereof shall be specified and, as to each, all reasons for objections shall be stated fully by the responding party.

6. If all the information furnished in an answer to all or any part of an Interrogatory is not within the personal knowledge of the person signing the Interrogatory, identify each person to whom all or any part of the information furnished is a matter of personal knowledge, and each person who communicated to the person signing the Interrogatory any part of the information furnished.

7. If the answer to all or any part of the Interrogatory is not presently known or available, include a statement to that effect, furnish the information known or available, and respond to the entire Interrogatory by supplemental answer in writing and under oath within ten (10) days from the time the answer becomes known or available.

III.
INTERROGATORIES

- 1.** Identify each person who assisted in answering these interrogatories, the accompanying requests for admission, or who provided documents in response to the accompanying requests for production, or provided any information whatsoever to assist with preparing your responses to the interrogatories, requests for admission and/or requests for production.

2. Please describe all of the monies you have contributed or paid to the alleged partnership and all of the monies you have received from either Fathi Yusuf and/or United as a result of your alleged oral partnership from 1986 through the present.

3. Please describe any losses that you have suffered or understand that you are responsible for as a result of your alleged oral partnership which have occurred from 1986 through the present, indicating the nature of the losses, debt or outstanding exposure.

4. Please describe why you have not filed or requested any accounting information necessary for the filing of a partnership return or reporting of partnership profits or losses, either in the form of a K-1 or otherwise?

5. Please describe how you have jointly managed the alleged oral partnership and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

6. Please describe in detail the manner in which you have represented to the public and declared in any form, including tax filings, correspondence, or other governmental filings, that you are in a partnership with Fathi Yusuf as you have alleged.

7. Please identify any and all tax records indicating your alleged partnership with Fathi Yusuf.

8. Please describe how, when and why, Waleed Hamed was designated as your agent with regard to acting on your behalf in the alleged partnership and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

9. Please describe how Waleed was to operate both as your designated agent exercising ownership control over the operations of the alleged partnership and, at the same time, act as an employee for United. Also, please describe when and how this arrangement for Waleed to act as your agent was communicated to Fathi Yusuf and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

10. State whether as a partner of the purported partnership of Yusuf and Hamed, you are personally responsible for the acts of your designated agent Waleed Hamed as they relate to your agent's management of any/all of the Plaza Extra Stores .

11. Detail the list of all lawsuits currently pending against United Corporation d/b/a Plaza Extra and what decisions you have made relating thereto as well as any financial arrangements you have made as a partner in the event of an adverse judgment in which you would be held jointly and severally liable for any judgment or obligations that may arise out of suits against United Corporation.

12. Describe in detail the amounts and source of funds your son and agent Waleed Hamed used to fund his gambling activities, the purchase and renovation of Waleed Hamed's home, and the purchase of real estate in Estate Carleton and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

13. Describe in detail what obligations and duties Fathi Yusuf breached as alleged in Paragraph 28 of the Amended Complaint. Provide the date, locations, and name of witnesses supporting same allegations and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

14. Detail what partnership rights you contend you are entitled to in the leasehold of the premises where the Plaza Extra Store is located according to paragraph 28(d) of the Complaint and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

15. Provide a detailed factual and legal basis to support your allegations of paragraph 28 (e) of the Amended Complaint and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

16. Detail how Fathi Yusuf “verbally discredited” the operations of the partnership as alleged in Paragraph 28(f) of the Amended Complaint. Specify the nature and dates of these verbal acts and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

17. Provide a detailed factual basis for the allegations of paragraph 29(g) of the Amended Complaint concerning the refusal of defendants to pay the valid obligations owed by the partnership. Specifically state when and how these alleged refusals undermined the partnership's operations and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

18. Provide a detailed factual basis for the allegations of paragraph 29(h), (j), (k), and (l) of the amended complaint as they relate to defendants' "threat to close down the Plaza Extra Supermarkets," "threats to the Hamed family members with "physical harm," and "giving false information to third parties, including suppliers of the three Plaza Extra Supermarkets, regarding its future operations" and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

19. Provide a detailed list of all loans (personal or business) you (or any of your agents or designees) made to anyone for the period of 1990 through 2009, including the source of these funds and identify all persons with knowledge of any such facts and all documents which support your answer to this interrogatory.

Have you signed your name on each page of these answers? If not please do so. _____

- i. Do you understand that your answers to these interrogatories are under oath? _____
- ii. Do you understand that you are obligated to answer these questions fully and fairly? _____
- iii. Do you understand that in answering these questions and requests you are not to resort to subterfuge, chicanery or incomplete or evasive answers? _____
- iv. Do you understand that upon your failure to answer these questions and requests fully and fairly, or that upon resorting to incomplete or evasive answers, you may be compelled by Court order to fully answer these Interrogatories, that costs may be assessed against you, or that other sanctions may be entered against you including issued or witness preclusion or default? _____
- v. The foregoing Interrogatories are to be regarded as continuing and you are required to provide, by way of supplemental answers thereto, such additional information as may hereafter be obtained by you or any person on your behalf, which will augment or otherwise modify or supplement the answers now given to the foregoing questions. Do you agree that such supplementary responses are to be filed and served within fifteen (15) days after receipt of such information? _____

**DEWOOD LAW FIRM
ATTORNEY FOR DEFENDANTS**

DATED: November __, 2013

By: /s/ Nizar A. DeWood

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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT a true and exact copy of the foregoing *Defendant Fathi Yusuf's First Set of Interrogatories to Plaintiff Mohammed Hamed* was served via EMAIL on this the 15th day of November 2013:

**MOHAMMED HAMED
c/o Joel H. Holt, Esq.
2101 Company Street
Christiansted VI 00820**

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

/s/ Nizar A. DeWood
Nizar A. DeWood, Esq.