

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

MOHAMMAD HAMED, by his)
authorized agent **WALEED HAMED**,)

Plaintiff/Counterclaim Defendant,)

vs.)

FATHI YUSUF and)
UNITED CORPORATION,)

Defendants/Counterclaimants,)

vs.)

WALEED HAMED, WAHEED)
HAMED, MUFEED HAMED,)
HISHAM HAMED,)
and **PLESSEN ENTERPRISES, INC.,**)

Counterclaim Defendants.)

CIVIL NO. SX-12-CV-370

ACTION FOR DAMAGES,
INJUNCTIVE RELIEF AND
DECLARATORY RELIEF

JURY TRIAL DEMANDED

**COUNTERCLAIM DEFENDANT WAHEED HAMED'S
MOTION TO DISMISS**

COMES NOW counterclaim defendant Waheed ("Willie") Hamed, and moves this Court to dismiss the First Amended Counterclaim, naming him as a counterclaim defendant for the two following reasons set forth in the accompanying memorandum:

1. This action has already been brought and partially adjudicated in St. Thomas -- some claims have already been adjudicated and the balance of the claims are already *sub judice* in a summary judgment motion.

2. Splitting of Causes of Action Prohibited: To the extent that there is any claim here that was not included in the St. Thomas Action, it should have been -- and failure to bring it there obviates taking a second bite of the apple here.

A Proposed Order is attached.

RESPECTFULLY SUBMITTED,

Dated: February 18, 2014



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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of February, 2014, I served a copy of the foregoing Memorandum by email, as agreed by the parties, on:

Joel H. Holt, Esq.

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ORDER

THIS MATTER having come on before the Court on the motion to dismiss of counterclaim defendant Waheed Hamed, and the Court being fully apprised of the premises, it is hereby ORDERED and ADJUDGED:

1. All counts and claims against WAHEED HAMED are dismissed with prejudice.

Dated:

HON. DOUGLAS A. BRADY
Judge of the Superior Court
of the U.S. Virgin Islands

ATTEST:
Clerk of Court
Deputy Clerk

By: _____
Deputy Clerk