

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

MOHAMMAD HAMED, by his	)	CIVIL NO. SX-12-CV-370
authorized agent WALEED HAMED,	)	
	)	ACTION FOR DAMAGES,
Plaintiff/Counterclaim Defendant,	)	INJUNCTIVE RELIEF
	)	AND DECLARATORY RELIEF
vs.	)	
	)	JURY TRIAL DEMANDED
FATHI YUSUF and UNITED CORPORATION,	)	
	)	
Defendants/Counterclaimants,	)	
	)	
vs.	)	
	)	
WALEED HAMED, WAHEED HAMED,	)	
MUFEEED HAMED, HISHAM HAMED, and	)	
PLESSEN ENTERPRISES, INC.,	)	
	)	
Additional Counterclaim Defendants	)	
_____	)	

14  
MAR 14  
A 2:49

MOTION TO QUASH SUBPOENAS AND FOR SANCTIONS

Defendants/counterclaimants Fathi Yusuf and United Corporation (collectively, the “Defendants”), through their undersigned counsel, pursuant to Super. Ct. R. 11(c), respectfully move this Court to enter an order quashing four (4) subpoenas improperly issued to various banking institutions on March 11, 2014.

**FACTUAL BACKGROUND**

1. On December 5, 2013, this Court entered an Amended Scheduling Order directing that “[a]ll fact discovery, including written discovery and fact witness depositions, shall be completed by March 15, 2014” (emphasis in original).

2. On February 19, 2014, Defendants filed a Motion To Further Extend Scheduling Order Deadlines. Plaintiff/counterclaim defendant Mohammed Hamed (“Plaintiff”) filed his

Opposition to the motion on February 25, 2014 and Defendants filed their Reply on March 5, 2014. Accordingly, Defendants' motion is fully briefed and awaiting this Court's disposition.<sup>1</sup>

3. On March 11, 2014, counsel for Plaintiff filed four documents entitled "Notice of Intent to Serve Subpoena Duces Tecum" with four documents entitled "Subpoena Duces Tecum" attached as Exhibit A to each "Notice" (collectively, the "Subpoenas"). Copies of the Subpoenas are attached as Exhibit 1. Pursuant to the Subpoenas, Plaintiff is purportedly obligating four (4) non-party banking institutions to appear for deposition and produce within nine (9) business days all "account statements, cancelled checks, deposit slips, and transactional records" relating to twenty-five (25) separately identified accounts covering a period of time in excess of twelve years.

#### ARGUMENT

##### A. THE SUBPOENAS ARE VOID SINCE COUNSEL FOR PLAINTIFF CLEARLY HAS NO AUTHORITY TO ISSUE THEM.

Each of the Subpoenas falsely represent that the command to appear and produce documents is "pursuant to Rule 45 of the Federal Rules of Civil Procedure." Superior Court Rule 11(a) governs the form and issuance of a subpoena in this Court, not Fed. R. Civ. 45.<sup>2</sup> On July 20, 2011, the Virgin Islands Supreme Court made it crystal clear that Federal Rule of Civil Procedure 45 has no application in this Court. See Terrell v. Coral World, 55 V.I. 580, 590 (2011) ("Superior Court Rule 11 governs subpoenas in the Superior Court, and thus application of Federal Rule of Civil Procedure 45 would render Rule 11 'wholly superfluous . . .'). Indeed,

---

<sup>1</sup> Plaintiff and Defendants did informally agree to extend the time to take certain depositions until the week of March 31, 2014.

<sup>2</sup> Even if Fed. R. Civ. P. 45 did have some relevance to proceedings in this Court, which it does not, all of the Subpoenas clearly fail to comply with that rule because, among other things, they do not "set out the text of Rule 45(d) and (e)," as required by Fed. R. Civ. P. 45(a)(1)(A)(iv).

the Terrell Court rejected any notion that Fed. R. Civ. P. 45 could be treated as “supplementing” Superior Court Rule 11. Id. at n. 12.

Accordingly, since the Subpoenas were neither issued nor in the form as required by Super. Ct. R. 11(a), they should be treated as a nullity and quashed.

**B. THE SUBPOENAS IMPOSE AN UNDUE BURDEN ON DEFENDANTS AND THE NON-PARTY BANKING INSTITUTION AND, FURTHERMORE, CONSTITUTE AN IMPROPER ATTEMPT TO CONDUCT DISCOVERY BEYOND THE COURT IMPOSED DEADLINE.**

Super. Ct. R. 11(b) provides: “The Judge, on motion made promptly, may quash or modify the subpoena if compliance would be unreasonable or oppressive.” The Subpoenas purportedly require four banking institutions to appear at a deposition and to provide all records concerning 25 separately identified accounts over a twelve year period within nine business days. Even though most of these accounts were referenced in Plaintiff’s Complaint, he has waited until four days before the close of fact discovery to issue the Subpoenas, which provide for depositions and document production ten days after the close of fact discovery. In this case, there is no question that, by purportedly mandating four banking institutions to appear for deposition and produce documents in only nine business days, the Subpoenas are patently “unreasonable and oppressive.”

Moreover, despite the fact that Plaintiff has known about the bank accounts identified in the Subpoenas since the inception of this case and he has had ample time to conduct discovery, he now unilaterally seeks to drag discovery out beyond the March 15, 2014 deadline currently in place pursuant to this Court’s Amended Scheduling Order. This unilateral, last ditch effort is clearly improper because Plaintiff never sought leave of this Court to pursue late discovery and his attorney certainly did not seek any agreement from counsel for Defendants. Indeed, Plaintiff

has filed an Opposition to the Motion to Further Extend Scheduling Order Deadlines vehemently objecting to any extensions.

In similar cases, a party's failure to honor scheduling orders and, instead, unilaterally extend discovery has been rejected by Virgin Islands courts and other courts. See Giddings-Slaven v. MVM, Inc., 2008 U.S. Dist. LEXIS 95847 at \*3 (D.V.I. 2008) (denying extension of time to conduct discovery because the movant did "not present any reason why she could not have obtained the discovery she now seeks during the almost two years this matter was pending prior to the close of discovery"); Unlimited Holdings, Inc. v. Bertram Yacht, Inc., 2008 U.S. Dist. LEXIS 82142 at \*22-23 (D.V.I. 2008) (declining to extend discovery); United States v. Compaction Sys. Corp., 2000 U.S. Dist. LEXIS 14362 at \*10 (D.N.J. July 11, 2000) ("Rule 45 subpoenas 'are encompassed within the definition of 'discovery,' as enunciated in Rule 26(a)(5) and, therefore, are subject to the same time constraints that apply to all of the other methods of formal discovery"); Leach v. Quality Health Servs., 162 F.R.D. 40, 42 (E.D. Pa. 1995) (same).

#### CONCLUSION

For all the foregoing reasons, Defendants respectfully request this Court to enter an order quashing the Subpoenas, imposing appropriate sanctions for Plaintiff's gross violation of Superior Court Rule 11, and granting such further relief as is just and proper.

**DUDLEY, TOPPER and FEUERZEIG, LLP**

Dated: March 14, 2014

By: 

Gregory H. Hodges (V.I. Bar No. 174)  
1000 Frederiksberg Gade - P.O. Box 756  
St. Thomas, VI 00804  
Telephone: (340) 715-4405  
Telefax: (340) 715-4400  
E-mail: [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)

Hamed v. Yusuf, et al.  
Motion to Quash Subpoenas and for Sanctions  
Civil No. SX-12-CV-370  
Page 5

and

Nizar A. DeWood, Esq. (V.I. Bar No. 1177)  
The DeWood Law Firm  
2006 Eastern Suburbs, Suite 101  
Christiansted, VI 00830  
Telephone: (340) 773-3444  
Telefax: (888) 398-8428  
Email: [info@dewood-law.com](mailto:info@dewood-law.com)

Attorneys for Fathi Yusuf and United Corporation

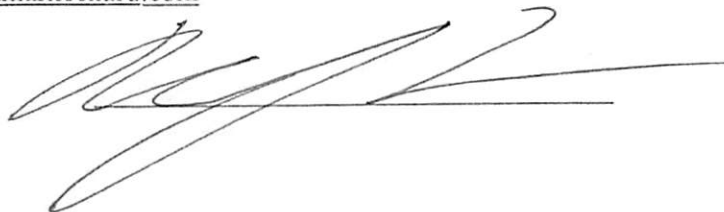
**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of March, 2014, I caused the foregoing **MOTION TO QUASH SUBPOENAS AND FOR SANCTIONS** to be served upon the following via e-mail:

Joel H. Holt, Esq.  
**LAW OFFICES OF JOEL H. HOLT**  
2132 Company Street  
Christiansted, V.I. 00820  
Email: [holtvi@aol.com](mailto:holtvi@aol.com)

Carl Hartmann, III, Esq.  
5000 Estate Coakley Bay, #L-6  
Christiansted, VI 00820  
Email: [carl@carlhartmann.com](mailto:carl@carlhartmann.com)

Mark W. Eckard, Esq.  
Eckard, P.C.  
P.O. Box 24849  
Christiansted, VI 00824  
Email: [mark@markeckard.com](mailto:mark@markeckard.com)



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, )  
 )  
Additional Counterclaim Defendants. )  
 )  
\_\_\_\_\_ )

CIVIL NO. SX-12-CV-370  
ACTION FOR DAMAGES,  
INJUNCTIVE RELIEF  
AND DECLARATORY RELIEF

14 MAR 14 A2:49  
JURY TRIAL DEMANDED

SEAL OF THE  
THE VIRGIN ISLANDS  
ST. CROIX, VI

**ORDER**

Upon consideration of Defendants/counterclaimants' Motion to Quash Subpoenas and for Sanctions (the "Motion") and for good cause shown, it is accordingly

**ORDERED** that the Motion is **GRANTED**; and it is further

**ORDERED** that the Subpoenas attached as Exhibit 1 to the Motion are hereby **QUASHED**.

Entered this \_\_\_\_\_ day of March, 2014.

\_\_\_\_\_  
Douglas A. Brady  
Judge of the Superior Court

ATTEST:

Estrella George  
Acting Clerk of the Court

By: \_\_\_\_\_  
Deputy Clerk

cc: Joel H. Holt, Esq.  
Nizar A. DeWood, Esq.  
Gregory H. Hodges, Esq.  
Carl J. Hartman, III, Esq.  
Mark W. Eckard, Esq.

14 MAR 14 A2:49



**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**

**NOTICE OF INTENT TO SERVE SUBPOENA DUCES TECUM**

**TO:**

**THE HONORABLE TAMARA BERMUDEZ**  
Chief Deputy Clerk  
R. H. Amphlett Leader  
Justice Complex  
RR1 9000  
1<sup>st</sup> Floor, Room 101  
Kingshill, VI 00850

**GREGORY H. HODGES**  
Dudley, Topper and Feuerzeig, LLP  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
(340) 715-4405  
Email: ghodges@dtflaw.com

**EXHIBIT**

1

tabbles



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

**MARK W. ECKARD**  
Eckard, P.C.  
1 Company St.  
P.O. Box 24849  
Christiansted, VI 00824  
(340) 514-2690  
mark@markeckard.com

PLEASE TAKE NOTICE that on March 11, 2014, or as soon thereafter as service may be effectuated, and pursuant to Federal Rule of Civil Procedure 45 as adopted by this Court, the undersigned will issue and serve the Subpoena Duces Tecum attached hereto as "Exhibit A", upon Merrill Lynch, a non-party to the above-captioned litigation, for a deposition and the production of the items listed in said Subpoena at the time and place specified therein.

Dated: March 11, 2014



---

**Joel H. Holt, Esq.**  
*Counsel for Plaintiff*  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709  
holtvi@aol.com

**Carl J. Hartmann III, Esq.**  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
(340) 719-8941  
carl@carlhartmann.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of March, 2014, I served a copy of the foregoing Notice by email, as agreed by the parties, on:

**GREGORY H. HODGES**

Dudley, Topper and Feuerzeig, LLP  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
(340) 715-4405  
Email: ghodges@dtflaw.com

**NIZAR A. DEWOOD**

The Dewood Law Firm  
2006 Eastern Suburb, Suite 101  
Christiansted, VI 00820  
(340) 773-3444  
Email: dewoodlaw@gmail.com

**MARK W. ECKARD**

Eckard, P.C.  
1 Company St.  
P.O. Box 24849  
Christiansted, VI 00824  
(340) 514-2690  
mark@markeckard.com



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

**SUBPOENA DUCES TECUM**

**TO: Merrill Lynch Pierce Fenner & Smith, Inc.**  
5143 Palm Passage  
Suite 3  
St. Thomas, VI 00802-6413

PLEASE TAKE NOTICE that pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are hereby commanded to appear at the **Law Office of Joel H. Holt**, located at **2132 Company Street, Christiansted, VI 00820** on **Tuesday, March 25, 2014 at 3:00 p.m.** for the taking of a deposition and to have with you at that time and place any and all the documents pertinent to the items identified below:



Any and all (preferably electronic) documents and records from January 1, 2002 to the present for account numbers 140-07759, 140-21722 and any additional accounts in the name of United Corporation, Plaza Extra, or United Corporation d/b/a Plaza Extra bank. Records shall include, but not be limited to, account statements, cancelled checks, deposit slips, and transactional records.

**Dated:** March 11, 2014



---

**Joel H. Holt, Esq.**  
*Counsel for Plaintiff*  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709  
holtvi@aol.com

**Carl J. Hartmann III, Esq.**  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
(340) 719-8941  
carl@carlhartmann.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of March, 2014, I served a copy of the foregoing Subpoena Duces Tecum by email, as agreed by the parties, on:

**GREGORY H. HODGES**

Dudley, Topper and Feuerzeig, LLP  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
(340) 715-4405  
Email: ghodges@dtflaw.com

**NIZAR A. DEWOOD**

The Dewood Law Firm  
2006 Eastern Suburb, Suite 101  
Christiansted, VI 00820  
(340) 773-3444  
Email: dewoodlaw@gmail.com

**MARK W. ECKARD**  
Eckard, P.C.  
1 Company St.  
P.O. Box 24849  
Christiansted, VI 00824  
(340) 514-2690  
mark@markeckard.com

A handwritten signature in black ink, appearing to be 'Mark W. Eckard', is written over a solid horizontal line. The signature is stylized and cursive.

**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**

**NOTICE OF INTENT TO SERVE SUBPOENA DUCES TECUM**

**TO:**

**THE HONORABLE TAMARA BERMUDEZ**

Chief Deputy Clerk  
R. H. Amphlett Leader  
Justice Complex  
RR1 9000  
1<sup>st</sup> Floor, Room 101  
Kingshill, VI 00850

**GREGORY H. HODGES**

Dudley, Topper and Feuerzeig, LLP  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
(340) 715-4405  
Email: ghodges@dtflaw.com

**NIZAR A. DEWOOD**


The Dewood Law Firm  
2006 Eastern Suburb, Suite 101  
Christiansted, VI 00820  
(340) 773-3444  
Email: dewoodlaw@gmail.com

**MARK W. ECKARD**

Eckard, P.C.  
1 Company St.  
P.O. Box 24849  
Christiansted, VI 00824  
(340) 514-2690  
mark@markeckard.com

PLEASE TAKE NOTICE that on March 11, 2014, or as soon thereafter as service may be effectuated, and pursuant to Federal Rule of Civil Procedure 45 as adopted by this Court, the undersigned will issue and serve the Subpoena Duces Tecum attached hereto as "Exhibit A", upon Scotiabank, a non-party to the above-captioned litigation, for a deposition and the production of the items listed in said Subpoena at the time and place specified therein.

Dated: March 11, 2014



---

**Joel H. Holt, Esq.**  
*Counsel for Plaintiff*  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709  
holtvi@aol.com

**Carl J. Hartmann III, Esq.**  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
(340) 719-8941  
carl@carlhartmann.com



**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of March, 2014, I served a copy of the foregoing Notice by email, as agreed by the parties, on:

**GREGORY H. HODGES**

Dudley, Topper and Feuerzeig, LLP  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
(340) 715-4405  
Email: ghodges@dtflaw.com

**NIZAR A. DEWOOD**

The Dewood Law Firm  
2006 Eastern Suburb, Suite 101  
Christiansted, VI 00820  
(340) 773-3444  
Email: dewoodlaw@gmail.com

**MARK W. ECKARD**

Eckard, P.C.  
1 Company St.  
P.O. Box 24849  
Christiansted, VI 00824  
(340) 514-2690  
mark@markeckard.com



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

**SUBPOENA DUCES TECUM**


TO: **Scotiabank**  
P.O. Box 773  
King Street  
Christiansted, U.S. Virgin Islands 00821-0773

PLEASE TAKE NOTICE that pursuant to Rule 45 of the Federal Rules of Civil Procedure as adopted by the VI Superior Court, you are hereby commanded to appear at the **Law Office of Joel H. Holt, located at 2132 Company Street, Christiansted, VI 00820** on **Tuesday, March 25, 2014 at 9:30 a.m.** for the taking of a deposition and to have with you at that time and place any and all the documents pertinent to the items identified below:



Any and all (preferably electronic) documents and records from January 1, 2002 to the present for account numbers 580092918, 4496010640, 4455312010, 4455356719, 058-60086413, 60092918, 60086413, 55356719, 55312010, 65811 and any additional accounts in the name of United Corporation, Plaza Extra, or United Corporation d/b/a Plaza Extra bank. Records shall include, but not be limited to, bank statements, cancelled checks, deposit slips, and transactional records.

**Dated:** March 11, 2014



---

**Joel H. Holt, Esq.**  
*Counsel for Plaintiff*  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709  
holtvi@aol.com

**Carl J. Hartmann III, Esq.**  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
(340) 719-8941  
carl@carlhartmann.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of March, 2014, I served a copy of the foregoing Subpoena Duces Tecum by email, as agreed by the parties, on:

**GREGORY H. HODGES**  
Dudley, Topper and Feuerzeig, LLP  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
(340) 715-4405  
Email: [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)

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

**MARK W. ECKARD**  
Eckard, P.C.  
1 Company St.  
P.O. Box 24849  
Christiansted, VI 00824  
(340) 514-2690  
mark@markeckard.com

A handwritten signature in black ink, appearing to be 'M. Eckard', is written over a solid horizontal line. The signature is stylized and cursive.

**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, MUFEEED 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**

**NOTICE OF INTENT TO SERVE SUBPOENA DUCES TECUM**

**TO:**

**THE HONORABLE TAMARA BERMUDEZ**

Chief Deputy Clerk  
R. H. Amphlett Leader  
Justice Complex  
RR1 9000  
1<sup>st</sup> Floor, Room 101  
Kingshill, VI 00850

**GREGORY H. HODGES**

Dudley, Topper and Feuerzeig, LLP  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
(340) 715-4405  
Email: ghodges@dtflaw.com

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

**MARK W. ECKARD**  
Eckard, P.C.  
1 Company St.  
P.O. Box 24849  
Christiansted, VI 00824  
(340) 514-2690  
mark@markeckard.com

PLEASE TAKE NOTICE that on March 11, 2014, or as soon thereafter as service may be effectuated, and pursuant to Federal Rule of Civil Procedure 45 as adopted by this Court, the undersigned will issue and serve the Subpoena Duces Tecum attached hereto as "Exhibit A", upon Banco Popular, a non-party to the above-captioned litigation, for a deposition and the production of the items listed in said Subpoena at the time and place specified therein.

Dated: March 11, 2014



---

**Joel H. Holt, Esq.**  
*Counsel for Plaintiff*  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709  
holtvi@aol.com

**Carl J. Hartmann III, Esq.**  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
(340) 719-8941  
carl@carlhartmann.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of March, 2014, I served a copy of the foregoing Notice by email, as agreed by the parties, on:

**GREGORY H. HODGES**

Dudley, Topper and Feuerzeig, LLP  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
(340) 715-4405  
Email: ghodges@dtflaw.com

**NIZAR A. DEWOOD**

The Dewood Law Firm  
2006 Eastern Suburb, Suite 101  
Christiansted, VI 00820  
(340) 773-3444  
Email: dewoodlaw@gmail.com

**MARK W. ECKARD**

Eckard, P.C.  
1 Company St.  
P.O. Box 24849  
Christiansted, VI 00824  
(340) 514-2690  
mark@markeckard.com





**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, MUFEEED 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**

**SUBPOENA DUCES TECUM**

**TO: Banco Popular**  
c/o Sunny Isles Branch  
4500 Sion Farm  
Christiansted, VI 00830

PLEASE TAKE NOTICE that pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are hereby commanded to appear at the **Law Office of Joel H. Holt**, located at **2132 Company Street, Christiansted, VI 00820** on **Tuesday, March 25, 2014 at 1:00 p.m.** for the taking of a deposition and to have with you at that time and place any and all the documents pertinent to the items identified below:



Any and all (preferably electronic) documents and records from January 1, 2002 to the present for account numbers 191-256269, 191-063789, 191-148830, 191-013307, 192-026143, PSF-001422, PSF-002763, PSP-055360, PSP-055379, PSV-004901, PSV-004910, PSV-004928, PSV-004936 and any additional accounts in the name of United Corporation, Plaza Extra, or United Corporation d/b/a Plaza Extra bank. Records shall include, but not be limited to, bank statements, cancelled checks, deposit slips, and transactional records.

**Dated:** March 11, 2014



---

**Joel H. Holt, Esq.**  
*Counsel for Plaintiff*  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709  
holtvi@aol.com

**Carl J. Hartmann III, Esq.**  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
(340) 719-8941  
carl@carlhartmann.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of March, 2014, I served a copy of the foregoing Subpoena Duces Tecum by email, as agreed by the parties, on:

**GREGORY H. HODGES**  
Dudley, Topper and Feuerzeig, LLP  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
(340) 715-4405  
Email: ghodges@dtflaw.com

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

**MARK W. ECKARD**  
Eckard, P.C.  
1 Company St.  
P.O. Box 24849  
Christiansted, VI 00824  
(340) 514-2690  
mark@markeckard.com



**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**

**NOTICE OF INTENT TO SERVE SUBPOENA DUCES TECUM**

**TO:**

**THE HONORABLE TAMARA BERMUDEZ**

Chief Deputy Clerk  
R. H. Amphlett Leader  
Justice Complex  
RR1 9000  
1<sup>st</sup> Floor, Room 101  
Kingshill, VI 00850

**GREGORY H. HODGES**

Dudley, Topper and Feuerzeig, LLP  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
(340) 715-4405  
Email: ghodges@dtflaw.com

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

**MARK W. ECKARD**  
Eckard, P.C.  
1 Company St.  
P.O. Box 24849  
Christiansted, VI 00824  
(340) 514-2690  
mark@markeckard.com

PLEASE TAKE NOTICE that on March 11, 2014, or as soon thereafter as service may be effectuated, and pursuant to Federal Rule of Civil Procedure 45 as adopted by this Court, the undersigned will issue and serve the Subpoena Duces Tecum attached hereto as "Exhibit A", upon Popular Securities, a non-party to the above-captioned litigation, for a deposition and the production of the items listed in said Subpoena at the time and place specified therein.

Dated: March 11, 2014



---

**Joel H. Holt, Esq.**  
*Counsel for Plaintiff*  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709  
holtvi@aol.com

**Carl J. Hartmann III, Esq.**  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
(340) 719-8941  
carl@carlhartmann.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of March, 2014, I served a copy of the foregoing Notice by email, as agreed by the parties, on:

**GREGORY H. HODGES**

Dudley, Topper and Feuerzeig, LLP  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
(340) 715-4405  
Email: ghodges@dtflaw.com

**NIZAR A. DEWOOD**

The Dewood Law Firm  
2006 Eastern Suburb, Suite 101  
Christiansted, VI 00820  
(340) 773-3444  
Email: dewoodlaw@gmail.com

**MARK W. ECKARD**

Eckard, P.C.  
1 Company St.  
P.O. Box 24849  
Christiansted, VI 00824  
(340) 514-2690  
mark@markeckard.com



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

SUBPOENA DUCES TECUM

TO: **Popular Securities**  
c/o Sunny Isles Branch  
4500 Sion Farm  
Christiansted, VI 00830


PLEASE TAKE NOTICE that pursuant to Rule 45 of the Federal Rules of Civil Procedure as adopted by the VI Superior Court, you are hereby commanded to appear at the **Law Office of Joel H. Holt, located at 2132 Company Street, Christiansted, VI 00820** on **Tuesday, March 25, 2014 at 1:00 p.m.** for the taking of a deposition and to have with you at that time and place any and all the documents pertinent to the items identified below:





Any and all (preferably electronic) documents and records from January 1, 2002 to the present for account numbers 191-256269, 191-063789, 191-148830, 191-013307, 192-026143, PSF-001422, PSF-002763, PSP-055360, PSP-055379, PSV-004901, PSV-004910, PSV-004928, PSV-004936 and any additional accounts in the name of United Corporation, Plaza Extra, or United Corporation d/b/a Plaza Extra bank. Records shall include, but not be limited to, bank statements, cancelled checks, deposit slips, and transactional records.

**Dated:** March 11, 2014



---

**Joel H. Holt, Esq.**  
*Counsel for Plaintiff*  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709  
holtvi@aol.com

**Carl J. Hartmann III, Esq.**  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
(340) 719-8941  
carl@carlhartmann.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of March, 2014, I served a copy of the foregoing Subpoena Duces Tecum by email, as agreed by the parties, on:

**GREGORY H. HODGES**  
Dudley, Topper and Feuerzeig, LLP  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
(340) 715-4405  
Email: ghodges@dtflaw.com

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

**MARK W. ECKARD**  
Eckard, P.C.  
1 Company St.  
P.O. Box 24849  
Christiansted, VI 00824  
(340) 514-2690  
mark@markeckard.com

A handwritten signature in black ink, appearing to read "Mark W. Eckard", is written over a horizontal line. The signature is stylized and cursive.

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

<b>MOHAMMAD HAMED</b> , by his	)	
authorized agent <b>WALEED HAMED</b> ,	)	
	)	CIVIL NO. SX-12-CV-370
Plaintiff/Counterclaim Defendant,	)	
	)	ACTION FOR DAMAGES,
vs.	)	INJUNCTIVE RELIEF
	)	AND DECLARATORY RELIEF
<b>FATHI YUSUF and UNITED CORPORATION</b> ,	)	
	)	
Defendants/Counterclaimants,	)	
	)	
vs.	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>WALEED HAMED, WAHEED HAMED,</b>	)	
<b>MUFEED HAMED, HISHAM HAMED, and</b>	)	
<b>PLESSEN ENTERPRISES,</b>	)	
	)	
Additional Counterclaim Defendants.	)	
	)	
	)	
	)	

**ORDER**

Upon consideration of Defendants/counterclaimants' Motion to Quash Subpoenas and for Sanctions (the "Motion") and for good cause shown, it is accordingly

**ORDERED** that the Motion is **GRANTED**; and it is further

**ORDERED** that the Subpoenas attached as Exhibit 1 to the Motion are hereby **QUASHED**.

Entered this \_\_\_\_\_ day of March, 2014.

\_\_\_\_\_  
Douglas A. Brady  
Judge of the Superior Court

ATTEST:

Estrella George  
Acting Clerk of the Court

By: \_\_\_\_\_  
Deputy Clerk

cc: Joel H. Holt, Esq.  
Nizar A. DeWood, Esq.  
Gregory H. Hodges, Esq.  
Carl J. Hartman, III, Esq.  
Mark W. Eckard, Esq.