

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

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|--|---|-------------------------------|
| 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’S RESPONSES TO PLAINTIFF’S
SECOND REQUEST FOR THE PRODUCTION OF DOCUMENTS
TO DEFENDANT UNITED: SECOND SET**

COMES NOW, Defendant United Corporation, (hereinafter referred to as “United”), by and through undersigned counsels, Dudley, Topper and Feuerzeig, LLP, by Gregory H. Hodges, Esq. and The DeWood Law Firm, by Nizar A. DeWood, Esq., and subject to the objections set forth below, respectfully answers as follows to the Plaintiff’s Request (“2nd Request”) for the Production of Documents: Second Set.

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 United and, except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that United has answered or objected to any request should not be taken as an admission that United accepts or admits the existence of any facts set forth or assumed by such request, or that such answer constitutes admissible evidence. The fact that United has answered to part or all of any such request is not intended and shall not be construed to be a waiver by United of all or any part of any objection to any such request.

GENERAL OBJECTIONS

United makes the following general objections to Plaintiff's 2nd Request. 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 objectionable request. The assertion of the same, similar, or additional objections in the individual objections to these Requests, or the failure to assert any additional objections to a request does not waive any of United's objections as set forth below:

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

5. United 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. United objects to each request to the extent it requires information outside of his possession, custody or control of United on the ground that it would subject United to undue burden, oppression and expense, and impose allegations not required by the Federal Rules of Civil Procedure.

7. United is continuing its efforts to identify non-privileged documents that are responsive to these Requests. If and as additional, non-privileged, responsive documents are discovered, this response will be supplemented to the extent that supplementation may be required by the Federal Rule of Civil Procedure.

8. Each answer United produces 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.

9. The information sought by the Discovery Requests is as much as is as twenty-seven (27) years old. Documents which may have contained information relevant to responding to the Discovery Requests may no longer be in existence. Thus the information produced herewith may not be, and should not be considered complete, and may be subject to supplementation if additional documents are discovered.

10. United objects to defined terms and instruction to the extent that they vary from applicable law and/or impose different obligations that those set forth in the Federal Rules of Civil Procedure.

SPECIFIC OBJECTIONS AND RESPONSES

Subject to and incorporating by reference each of the General Objections set forth above, United responds to Plaintiff's 2nd Requests as follows:

United has previously produced both the documents responsive to these requests and a Discovery Log. Below are the objections and other clarifications as necessary.

REQUESTS

1. All documents regarding any contributions to capital (initial or subsequent investments) in United Corporation made personally by Fathi Yusuf between the time it was incorporated in 1979 through the current date.

RESPONSE TO REQUEST NO. 1:

Subject to the above-stated objections and without waiving any objections United objects to Request No. 1 to the extent that it seeks information relating to the operations of United prior to the alleged "partnership" and, therefore, is not reasonably calculated to the discovery of admissible evidence. To the extent that contributions to United were made by the Yusuf following the alleged "partnership", there is no allegation by plaintiff, that plaintiff seeks any interest in United and, therefore, information relating to contributions made by Yusuf after the alleged creation of the "partnership" is, likewise, not reasonably calculated to lead to the discovery of admissible evidence.

2. All application any bank loans (whether or not a loan was actually obtained) by Yusuf or United between 1979 and 2002, including but not limited to the bank loans referenced in Paragraphs 49,58 and 61 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 2:

Subject to the above-stated objections and without waiving any objections United further objects to the extent that it seeks any application for loan documents prior to the creation of the alleged "partnership", the request is not reasonably calculated to lead to the discovery of

admissible evidence. Further, plaintiff has acknowledged in his responses to interrogatories that none of the loan documentation was in in his name but rather was in the name of Yusuf or United. Although, plaintiff contends he was responsible for said loans, they were not in his name. United is unaware of any current outstanding loans relating to the operation of the Plaza Extra Stores. Additionally, plaintiff has alleged that "except for the recent unauthorized removal of funds described herein for 25 years, all such distribution from the supermarket accounts have been split 50/50 between the Partners. Therefore, there is no pending issue as to non-payment of an alleged "partnership" debt and such request is not reasonably calculated to lead to the discovery of admissible evidence.

3. Documents demonstrating how the bank loans referenced in #2 above were repaid and if they were repaid from any source other than from the proceed of the Plaza Extra Supermarkets, including but not limited to the bank loans referenced in paragraphs 49, 58 and 61 of the Amended Complaint.

RESPONSE TO REQUEST NO. 3:

Subject to the above-stated objections and without waiving any objections, United incorporates by reference as if fully set forth herein verbatim its response to Request No. 2 above.

4. All documents regarding loans from family members as alleged in paragraph 50 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 4:

Subject to the above-stated objections and without waiving any objections United shows that not all loans to family members were recorded in written form and, therefore, there may or may not be documents responsive to this request. To the extent that any loan documents are available, United will produce same. However, as set forth in previous responses certain records relating to United's historical operations remain in the possession of a third party, the United States' attorney's office and are unavailable to be produced as they are not currently in the care, custody and control of United.

5. All documents showing the repayment of any loans made by family members as referenced in paragraph 50 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 5:

Subject to the above-stated objections and without waiving any objections, United incorporates by reference as if fully set forth herein verbatim its response to Request No. 4 above.

6. All documents regarding the loans/investments by Ahmad Yusuf referenced in paragraph 53 of the Amended Counterclaim, including documentation of the repayment of all such loans/investments.

RESPONSE TO REQUEST NO. 6:

Subject to the above-stated objections and without waiving any objections, United incorporates by reference as if fully set forth herein verbatim its responses to Requests No. 4 and 5 above.

7. All documents related to any of the "loans" referenced in paragraph 54 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 7:

Subject to the above-stated objections and without waiving any objections, United incorporates by reference as if fully set forth herein verbatim its responses to Requests No. 4, 5, and 6 above.

8. All documents related to any loans made "nephews" referenced in paragraph 59 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 8:

Subject to the above-stated objections and without waiving any objections, United incorporates by reference as if fully set forth herein verbatim its responses to Requests No. 4, 5, 6 and 7 above.

9. The drafts as well as the final Joint Venture Agreement referenced in paragraph 69 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 9:

Subject to the above-stated objections and without waiving any objections United shows that the joint venture agreement referenced in Paragraph 69 of the Amended Counterclaim has already been produced in this case. United is unaware of prior versions of the joint venture agreement which have not already been produced or if any such versions even exist.

10. The drafts as well as the final Termination Agreement referenced in paragraph 71 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 10:

Subject to the above-stated objections and without waiving any objections United shows that the final termination agreement referenced in Paragraph 71 of the amended counterclaim has already been produced in this litigation. Further responding, United is unaware of the location of any drafts of the termination agreement and/or whether any such drafts currently exist.

11. The specific documents related to the alleged "defalcation and conversion of substantial assets including cash from United by Hamed and Waleed" referenced in paragraph 102 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 11:

Subject to the above-stated objections and without waiving any objections to the extent that documents relating to the "defalcation and conversion of substantial assets" relating to Hamed and Waleed have not already been produced in this litigation said documents will be provided, as they become available. At this time United is unaware of any documents which have not already been produced. However, various records relating to such defalcations and conversions remain in the possession of a third party: United States' attorney's office.

12. The tax returns referenced in paragraph 104 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 12:

Subject to the above-stated objections and without waiving any objections to the extent that the tax returns referenced in Paragraph 104 of the Amended Counterclaim have not already been produced same will be produced.

13. All documents related to any evidence of the allegations set forth in paragraph 105 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 13:

Subject to the above-stated objections and without waiving any objections to the extent that any documents responsive to this request have not already been produced same will be produced, as they become available.

14. All documents related to any evidence of the allegations set forth in paragraph 106 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 14:

Subject to the above-stated objections and without waiving any objections to the extent that any documents responsive to this request have not already been produced same will be produced, as they become available.

15. All documents related to any evidence of the allegations set forth in paragraph 107 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 15:

Subject to the above-stated objections and without waiving any objections to the extent that any documents responsive to this request have not already been produced same will be produced, as they become available.

16. All documents related to any evidence of the allegations set forth in paragraph 108 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 16:

Subject to the above-stated objections and without waiving any objections to the extent that any documents responsive to this request have not already been produced same will be produced, as they become available.

17. All documents related to any evidence of the allegations set forth in paragraph 109 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 17:

Subject to the above-stated objections and without waiving any objections to the extent that any documents responsive to this request have not already been produced same will be produced, as they become available.

18. All documents related to any evidence of the allegations set forth in paragraph 110 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 18:

Subject to the above-stated objections and without waiving any objections to the extent that any documents responsive to this request have not already been produced same will be produced, as they become available.

19. All documents related to any evidence of the allegations set forth in paragraph 111 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 19:

Subject to the above-stated objections and without waiving any objections to the extent that any documents responsive to this request have not already been produced same will be produced, as they become available.

20. All documents related to any evidence of the allegations set forth in paragraph 112 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 20:

Subject to the above-stated objections and without waiving any objections to the extent that any documents responsive to this request have not already been produced same will be produced, as they become available.

21. All documents related to any evidence of the allegations set forth in paragraph 113 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 21:

Subject to the above-stated objections and without waiving any objections to the extent that any documents responsive to this request have not already been produced same will be produced, as they become available.

22. All documents related to any evidence of the allegations set forth in paragraph 114 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 22:

Subject to the above-stated objections and without waiving any objections to the extent that any documents responsive to this request have not already been produced same will be produced, as they become available.

23. All documents related to any evidence of the allegations set forth in paragraph 115 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 23:

Subject to the above-stated objections and without waiving any objections to the extent that any documents responsive to this request have not already been produced same will be produced, as they become available.

24. All documents related to any evidence of the allegations set forth in paragraph 116 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 24:

Subject to the above-stated objections and without waiving any objections to the extent that any documents responsive to this request have not already been produced same will be produced, as they become available.

25. All documents related to United's "other investment and businesses separate from its operation of the Plaza Extra Stores" referenced in paragraph 118 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 25:

Subject to the above-stated objections and without waiving any objections United further objects that other investment and businesses separate from its operation of the Plaza Extra stores

are unrelated to the issues in this case and, therefore, are not reasonably calculated to lead to the discovery of admissible evidence.

26. All documents related to any evidence of "Waleed's misappropriation of monies from the Plaza Extra Stores" referenced in paragraph 123 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 26:

Subject to the above-stated objections and without waiving any objections, United shows that the documents responsive to this request have already been produced and that it is currently unaware of any additional documents in its possession, custody or control that have not already been produced. United further responds that there are historic documents for United including the operations for the Plaza Extra Stores which may be responsive this request but which remain in the possession of a third party, the United States' Attorney's office.

27. All documents related to any evidence of the allegations set forth in paragraph 127 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 27:

Subject to the above-stated objections and without waiving any objections, United shows that the documents responsive to this request have already been produced and that it is currently unaware of any additional documents in its possession, custody or control that have not already been produced. United further responds that there are historic documents for United including

the operations for the Plaza Extra Stores which may be responsive to this request but which remain in the possession of a third party, the United States' Attorney's office.

28. All documents related to the calculation of the square footage of the Plaza Extra store at Plaza Extra Sion Farm referenced in paragraph 175 and 176 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 28:

Subject to the above-stated objections and without waiving any objections United shows that the calculation relating to the square footage of the Plaza Extra store at Plaza Extra Sion Farm has already been set forth in documents previously produced as well as in the motion for collections of unpaid rents and that plaintiff has acknowledged rent from the store is due to United as a result of the payment of the \$5.4 million rent check.

29. All documents related to any evidence of the allegations set forth in paragraph 134 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 29:

Subject to the above-stated objections and without waiving any objections, United shows that the documents responsive to this request have already been produced and that it is currently unaware of any additional documents in its possession, custody or control that have not already been produced. United further responds that there are historic documents for United including

the operations for the Plaza Extra Stores which are responsive to this request but which remain in the possession of a third party, the United States' Attorney's office.

30. All documents related to any evidence of the allegations set forth in paragraph 148 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 30:

Subject to the above-stated objections and without waiving any objections, United shows that the documents responsive to this request have already been produced and that it is currently unaware of any additional documents in its possession, custody or control that have not already been produced. United further responds that there are historic documents for United including the operations for the Plaza Extra Stores which may be responsive to this request but which remain in the possession of a third party, the United States' Attorney's office.

31. All documents related to any evidence of the allegations set forth in paragraph 155 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 31:

Subject to the above-stated objections and without waiving any objections, United shows that the documents responsive to this request have already been produced and that it is currently unaware of any additional documents in its possession, custody or control that have not already been produced. United further responds that there are historic documents for United including

the operations for the Plaza Extra Stores which remain in the possession of a third party, the United States' Attorney's office.

32. All documents related to any evidence of the allegations set forth in paragraph 158 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 32:

Subject to the above-stated objections and without waiving any objections, United shows that the documents responsive to this request have already been produced and that it is currently unaware of any additional documents in its possession, custody or control that have not already been produced. United further responds that there are historic documents for United including the operations for the Plaza Extra Stores which remain in the possession of a third party, the United States' Attorney's office.

33. All documents related to any evidence of the allegations set forth in paragraph 162 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 33:

Subject to the above-stated objections and without waiving any objections, United shows that the documents responsive to this request have already been produced and that it is currently unaware of any additional documents in its possession, custody or control that have not already been produced. United further responds that there are historic documents for United including

the operations for the Plaza Extra Stores which remain in the possession of a third party, the United States' Attorney's office.

34. Regarding Count VIII of the Amended Counterclaim, please produce all documents regarding any notices of dissolution of the partnership sent to Mohammed Hamed.

RESPONSE TO REQUEST NO. 34:

Subject to the above-stated objections and without waiving any objections United shows that any and all documents responsive to this request have previously been produced in this litigation.

35. All documents related to any agreement to pay rent as alleged in Count XII of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 35:

Subject to the above-stated objections and without waiving any objections United shows that any and all documents responsive relating to agreements to a ranch have already been produced in this litigation.

36. All documents related to any evidence of the allegations set forth in paragraph 186 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 36:

Subject to the above-stated objections and without waiving any objections, United shows that the documents responsive to this request have already been produced and that it is currently unaware of any additional documents in its possession, custody or control that have not already been produced. United further responds that there are historic documents for United including the operations for the Plaza Extra Stores which remain in the possession of a third party, the United States' Attorney's office.

37. All documents related to any evidence of the allegations set forth in paragraph 189 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 37:

Subject to the above-stated objections and without waiving any objections, United shows that the documents responsive to this request have already been produced and that it is currently unaware of any additional documents in its possession, custody or control that have not already been produced. United further responds that there are historic documents for United including the operations for the Plaza Extra Stores which remain in the possession of a third party, the United States' Attorney's office.

38. All documents related to any evidence of the allegations set forth in paragraph 190 of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 38:

Subject to the above-stated objections and without waiving any objections, United shows that the documents responsive to this request have already been produced and that it is currently unaware of any additional documents in its possession, custody or control that have not already been produced. United further responds that there are historic documents for United including the operations for the Plaza Extra Stores which remain in the possession of a third party, the United States' Attorney's office.

39. All documents supporting the calculation or itemization of any damages sought in subsection iv. of the prayer for relief in the Amended Counterclaim, seeking compensatory damages.

RESPONSE TO REQUEST NO. 39:

Subject to the above-stated objections and without waiving any objections, United shows that final calculations and itemization of damages responsive to this request have not been finalized as a full and complete accounting by accounting experts have not been completed. United will supplement its response to this request as required by the rules.

40. All documents supporting the calculation or itemization of any damages sought in subsection iv. of the prayer for relief in Amended Counterclaim, seeking consequential damages.

RESPONSE TO REQUEST NO. 40:

Subject to the above-stated objections and without waiving any objections United shows that final calculations and itemization of damages responsive to this request have not been finalized as a full and complete accounting by accounting experts have not been completed. United will supplement its response to this request as required by the rules.

41. All documents related to the damages allegedly owned or to be incurred as sought in subsection vii. of the prayer for relief of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 41:

Subject to the above-stated objections and without waiving any objections United shows that final calculations and itemization of damages responsive to this request have not been finalized as a full and complete accounting by accounting experts have not been completed. United will supplement its response to this request as required by the rules.

42. All documents related to the damages allegedly due being sought in subsection viii. of the prayer for relief of the Amended Counterclaim.

RESPONSE TO REQUEST NO. 42:

Subject to the above-stated objections and without waiving any objections United shows that final calculations and itemization of damages responsive to this request have not been finalized as a full and complete accounting by accounting experts have not been completed. United will supplement its response to this request as required by the rules.

43. All documents that show that any valuable consideration was paid by the shareholders of United for shares of its stock.

RESPONSE TO REQUEST NO. 43:

Subject to the above-stated objections and without waiving any objections, United further objects to request No. 43 on the grounds that it fails to relate to any alleged "partnership" issues and, therefore, is not reasonably calculated to lead to the discovery of admissible evidence.

44. All documents showing that shareholders other than Fathi Yusuf operate, control or otherwise exercise dominion over United.

RESPONSE TO REQUEST NO. 44:

Subject to the above-stated objections and without waiving any objections, United shows that it follows and maintains any and all corporate formalities including the filing of corporate returns, maintaining corporate records and registrations and can sue and be sued in its corporate

capacity. United's executive office have defined roles and functions and, therefore, United functions as any other corporation through the authority of these executive officers. Further, United maintains W-2 employees and utilizes its own EIN number. Requests for documents showing its corporate structure including its executive officers and other documents demonstrating corporate formalities is overly broad and unduly burdensome and, therefore, United objects to production of such documents on these grounds.

45. All documents showing that United owes or has previously paid 50% of net proceeds to Hamed.

RESPONSE TO REQUEST NO. 45:

Subject to the above-stated objections and without waiving any objections, United further objects that it does not owe any amounts to Hamed and further objects that plaintiff has established in its Amended Complaint that Hamed has already received the value or benefit of 50 percent of the net proceeds over the last 25 years of the alleged "partnership" from the Plaza Extra store operations and, therefore, no allegations are currently pending which demonstrate that United "owes" Hamed for any not previously paid. Therefore, United objects that this request is not reasonably calculated to lead to the discovery of admissible evidence. To the extent that Hamed is deemed a "partner", then Hamed would be entitled to 50% of the net profits from the Plaza Store operations, however, no amounts are currently owed to Hamed for any past distribution.

46. All documents in the criminal case where United was a defendant showing that United or Yusuf informed the U.S. Government that Hamed was owed and paid 50% of Net proceeds.

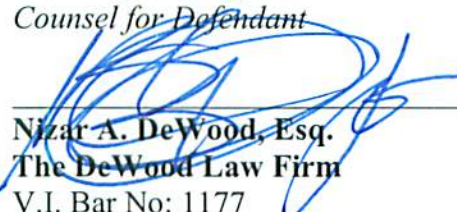
RESPONSE TO REQUEST NO. 46:

Subject to the above-stated objections and without waiving any objections, United further objects that this request appears to misstate the facts as alleged by either party. Further responding, United shows that its representations to the U.S. Government were accurate, correct, truthful and verifiable based upon the filings of United and the corporate formalities maintained by United. As the request is unclear, United is unable to further respond to this request.

Dated: March 28, 2014

Respectfully Submitted,

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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT a true and exact copy of the foregoing *Defendant United Corporation's Responses to Plaintiff's Request For the Production of Documents to Defendant Yusuf: Second Set* was served via U.S. Mail, postage prepaid, fax, electronic mail or hand delivery on this the 28th day of March, 2014 to wit:

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Certified Paralegal