

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

MOHAMMED HAMED by His Authorized )  
Agent WALEED HAMED, )  
)  
Plaintiff/Counterclaim Defendant, )  
)  
vs. ) Case No. SX-12-CV-370  
) Volume 2  
FATHI YUSUF and UNITED CORPORATION, )  
)  
Defendants/Counterclaimants, )  
)  
vs. )  
)  
WALEED HAMED, WAHEED HAMED, MUFEED )  
HAMED, HISHAM HAMED, and PLESSEN )  
ENTERPRISES, INC., )  
)  
Additional Counterclaim Defendants.)

**THE VIDEOTAPED ORAL DEPOSITION OF MOHAMMAD HAMED**

was taken on the 1st day of April, 2014, at the Law Offices  
of Adam Hoover, 2006 Eastern Suburb, Christiansted,  
St. Croix, U.S. Virgin Islands, between the hours of  
9:12 a.m. and 5:13 p.m. pursuant to Notice and Federal Rules  
of Civil Procedure.

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Reported by:

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**Also Present:**

Josiah Wynans, Videographer  
Hatim Yusuf, Interpreter  
Kim Japinga  
Waleed Hamed  
Hisham Hamed  
Mufeed Hamed  
Maher Yusuf  
Fathi Yusuf

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**MOHAMMAD HAMED -- DIRECT**

1                   **THE VIDEOGRAPHER:** In the matter of Mohammad  
2 Hamed v. Fathi Yusuf and United Corporation, Waleed Hamed,  
3 Waheed Hamed, Mufeed Hamed, Hisham Hamed, and Plessen  
4 Enterprises, Inc., in the Superior Court of the Virgin  
5 Islands, Division of St. Croix, Civil Action  
6 No. SX-12-CV-370.

7                   My name is Josiah Wynans. I am the  
8 videographer for today's proceedings. Our court reporter is  
9 Cheryl Haase. Today's date is April 1st, 2014. The  
10 deponent is Mohammad Hamed. The time is -- the time is  
11 9:12.

12                   For the purpose of voice identification, I'm  
13 requesting that the attorneys present identify themselves at  
14 this time.

15                   **MR. HODGES:** Good morning, Greg Hodges on  
16 behalf of the defendants.

17                   **MR. DEWOOD:** Morning, Nizar DeWood on behalf  
18 of the defendants.

19                   **MR. HARTMANN:** Carl Hartmann on behalf of the  
20 plaintiff.

21                   **MR. HOLT:** Joel Holt on behalf of the  
22 plaintiff.

23                   **MR. ECKARD:** Mark Eckard on behalf of Waleed  
24 Hamed.

25                   **THE VIDEOGRAPHER:** Will you please swear the

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**MOHAMMAD HAMED -- DIRECT**

1 interpreter?

2 **THE REPORTER:** Would you raise your right  
3 hand, please?

4 **HATIM YUSUF,**

5 After having been first duly sworn to  
6 translate from English to Arabic and  
7 from Arabic to English, interpreted as follows:

8 **THE VIDEOGRAPHER:** Will you swear the  
9 witness?

10 **THE REPORTER:** Would you raise your right  
11 hand, please?

12 **MOHAMMAD HAMED,**

13 Called as a witness, having been first duly sworn,  
14 Testified on his oath as follows:

15 **THE INTERPRETER:** He says yes.

16 **A.** Yeah.

17 **THE INTERPRETER:** Yes.

18 **DIRECT EXAMINATION**

19 **BY MR. HODGES:**

20 **Q.** Good morning, Mr. Hamed.

21 **A.** Good morning, sir.

22 **Q.** If you would, tell us what you did to prepare for  
23 your deposition yesterday?

24 **THE INTERPRETER:** He says, Nothing.

25 **A.** All what I have in my mind or whatever happened,

**MOHAMMAD HAMED -- DIRECT**

1 will come in to talk about it.

2 **THE INTERPRETER:** He says, whatever he knows  
3 in his mind, based on what he understood was the agreement  
4 originally with Abu Maher, is what he's going to discuss and  
5 talk about.

6 **Q. (Mr. Hodges)** Okay. Are you saying that you  
7 didn't meet with anybody to prepare for your deposition  
8 yesterday?

9 **A.** No. No.

10 **THE INTERPRETER:** No.

11 **Q. (Mr. Hodges)** Okay. So you didn't --

12 **A.** I didn't need to.

13 **THE INTERPRETER:** He says, There's no need  
14 to.

15 **Q. (Mr. Hodges)** Okay. So you didn't meet for even  
16 ten minutes with anybody to prepare for your deposition  
17 yesterday?

18 **A.** No. With my family, yes. I talk with my kids,  
19 with my wife.

20 **THE INTERPRETER:** He says just --  
21 Sorry.

22 **THE REPORTER:** Can we -- can we either have  
23 English or Arabic? It's going to be very difficult to do,  
24 so ask him, please, to speak in Arabic, --

25 **THE INTERPRETER:** Okay.



MOHAMMAD HAMED -- DIRECT

1                   **THE REPORTER:** -- and you'll translate for  
2 him.

3                   **THE INTERPRETER:** (Speaking in Arabic.)

4           **A.**     Okay, boss. (Speaking in Arabic.)

5                   **MR. HARTMANN:** I'd just interpose, the  
6 problem is that the questions need to be in Arabic.

7                   **THE REPORTER:** He's translating.

8                   **MR. HARTMANN:** Okay.

9                   **THE INTERPRETER:** His response was, he met  
10 with his family, his sons, his wife, and he discussed  
11 amongst themselves yesterday.

12                   **MR. HODGES:** Okay. Remember the admonition  
13 about "I" as opposed to "he."

14                   **THE INTERPRETER:** Yeah. I'll try to remember  
15 that.

16           **Q. (Mr. Hodges)** So Mr. Hamed, --

17           **A.**     Yeah.

18           **Q.**     -- how long did you meet with your family to  
19 prepare for the deposition yesterday?

20           **A.**     (Speaking in Arabic). It's my family, we live in  
21 the house. Time coming to eat, everybody come in to eat?

22                   **THE INTERPRETER:** Arabic.

23                   He says it's -- it's -- I'm sorry. It's not  
24 an official meeting. It's rather, you know, spontaneous.  
25 We're a family, we live together. Some of my sons visit.

**MOHAMMAD HAMED -- DIRECT**

1 We have dinner. Over dinner, we discussed the matter, but  
2 there -- there was no specific time that he -- he specified.

3 **Q. (Mr. Hodges)** Okay. So you're -- are -- do I  
4 understand you correctly, then, Mr. Hamed, that you did not  
5 meet with your attorneys to prepare for the deposition  
6 yesterday?

7 **A.** No.

8 **THE INTERPRETER:** No.

9 **Q. (Mr. Hodges)** Did you review any documents to  
10 prepare for your deposition yesterday?

11 **THE INTERPRETER:** He says no.

12 **Q. (Mr. Hodges)** Okay. Now, after the deposition  
13 yesterday, did anybody tell you that anything you said was  
14 wrong?

15 **A.** No.

16 **Q.** Okay. Did anybody tell you, after the deposition  
17 yesterday, did anybody tell you or suggest what you should  
18 say in response to any questions?

19 **A.** No. (Speaking in Arabic) I'm getting 79 years  
20 old. I don't need nobody to tell me what you want to say.

21 **THE INTERPRETER:** (Speaking in Arabic.) No.  
22 I am seventy-nine, almost eighty years old. I don't need  
23 anybody to tell me what to say or what -- what to do.

24 **Q. (Mr. Hodges)** Okay. Now, Mr. Hamed, as I  
25 understand your testimony yesterday, there was approximately

**MOHAMMAD HAMED -- DIRECT**

1 two years between the time you sold your store in Estate  
2 Carlton and the time you started working at Plaza Extra, is  
3 that correct?

4 **MR. HOLT:** Object. Asked and answered.

5 **THE INTERPRETER:** No, it's not.

6 **A.** (Speaking in Arabic) or anybody come in my place.

7 **THE INTERPRETER:** Arabic, Arabic.

8 **A.** (Speaking in Arabic). Even in St. Thomas, when  
9 they wanted to open St. Thomas, or St. Croix. They go and  
10 help the construction people to build in the supermarket.  
11 No charge.

12 **THE INTERPRETER:** Arabic. Arabic.

13 **A.** (Speaking in Arabic).

14 **THE INTERPRETER:** All right. He -- I worked  
15 two years prior to the loan, he says, is what I understood.  
16 I -- I'm not sure if you want to follow up, or -- I'm not  
17 clear on --

18 **Q. (Mr. Hodges)** You worked at what for two years  
19 prior to the loan?

20 **THE INTERPRETER:** (Speaking in Arabic.)

21 **A.** Construction. The supermarket, inside, when they  
22 were --

23 **THE REPORTER:** Arabic.

24 **THE INTERPRETER:** Arabic, Arabic.

25 **MR. HARTMANN:** Object. Asked and answered.

**MOHAMMAD HAMED -- DIRECT**

1                   **THE INTERPRETER:** I worked for two years  
2 during the construction period. The time leading up to the  
3 opening of the store, in other words. I worked in the  
4 construction. I was there welding, and, you know, doing a  
5 number of related construction tasks.

6           **Q. (Mr. Hodges)** Okay. The construction work you  
7 were doing, Mr. Hamed, was on the inside after the building  
8 had already been put up, isn't that correct?

9                   **THE INTERPRETER:** Okay. I worked inside the  
10 store, and I was involved in -- in welding, bringing  
11 materials, and Maher was there.

12           **Q. (Mr. Hodges)** Okay. So you agree with me, then,  
13 that the construction work that you did was inside after the  
14 structure had already been put up by Mr. Yusuf?

15                   **THE INTERPRETER:** He says yes, he's -- he  
16 agrees.

17           **Q. (Mr. Hodges)** Okay. And when you mention the  
18 people that were working with you on the construction inside  
19 to get the building ready, you mentioned Maher Yusuf, Mike  
20 Yusuf, right?

21                   **THE INTERPRETER:** He says yes, and he says, I  
22 still say that.

23           **Q. (Mr. Hodges)** Okay. And not only Mike Yusuf was  
24 working there, but the other Yusuf children, as well, isn't  
25 that correct?

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1           **A.**    No, he was in the -- in the school.

2                   **THE INTERPRETER:**  Arabic.

3                   **THE WITNESS:**  Oh, sorry.

4                   **THE INTERPRETER:**  No, they were not.

5           **Q.**    **(Mr. Hodges)**  So you never saw Mr. -- Mr. Yusuf's  
6 daughter working to prepare loan packages at that time?

7           **A.**    No, I don't go for the office.  (Speaking in  
8 Arabic) inside the store.

9                   **THE INTERPRETER:**  I did not see, because my  
10 work was not inside the office.  My work was as he described  
11 earlier.

12           **Q.**    **(Mr. Hodges)**  Okay.  So you don't recall seeing  
13 any of the other Yusuf children working along with Mike  
14 at -- for the construction?

15                   **MR. HARTMANN:**  Object.  Asked and answered.

16                   **THE INTERPRETER:**  No.

17           **Q.**    **(Mr. Hodges)**  Okay.  Now, when you were to do this  
18 work on the inside of the building, Wally was off at  
19 college, right?

20           **A.**    Yeah.

21                   **THE INTERPRETER:**  Yes.

22           **Q.**    **(Mr. Hodges)**  And none of your children were  
23 helping you in the construction process, is that correct?

24                   **THE INTERPRETER:**  All of them used to, as  
25 soon as they would come back from school, the first day they

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1 would be at home, second day they would go to work.

2 He referred to Waleed, Wally, at one time  
3 helping the welder, and that, you know, he was all night  
4 working, the next day he was coughing, you know, dirt from  
5 the work.

6 **Q. (Mr. Hodges)** So as I understand it, his children  
7 would only assist when they returned from school?

8 **THE INTERPRETER:** Yes.

9 **A.** Yeah.

10 **Q. (Mr. Hodges)** Okay. What children other than  
11 Wally were actually attending school at that time?

12 **THE INTERPRETER:** Waheed and Mufeed.

13 **Q. (Mr. Hodges)** Were both attending school at that  
14 time?

15 **A.** Yes.

16 **Q.** And what time was that? What period of time are  
17 you talking about?

18 **A.** I don't know now. I can't remember. They have  
19 maybe twenty years, twenty-five years ago.

20 **THE INTERPRETER:** Arabic.

21 **A.** (Speaking in Arabic.)

22 **THE INTERPRETER:** He doesn't -- I don't  
23 remember. This was maybe twenty -- twenty, twenty-five  
24 years ago.

25 **Q. (Mr. Hodges)** Okay. But you do remember when the

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1 store opened, don't you?

2 **THE INTERPRETER:** Yes.

3 **Q. (Mr. Hodges)** When was that?

4 **MR. HARTMANN:** Object. Asked and answered.

5 **A.** 1986.

6 **THE INTERPRETER:** 1986.

7 **Q. (Mr. Hodges)** Okay. So let's say between 1983 and  
8 '86, were any of your children, other than Wally, going to  
9 school?

10 **MR. HARTMANN:** Object. Asked and answered.

11 **A.** Exactly time, I'm not (inaudible). I can't  
12 remember how, what time.

13 **THE REPORTER:** Arabic.

14 **THE WITNESS:** I'm sorry.

15 **THE INTERPRETER:** He says -- I'm sorry.  
16 Waleed was the first to go, and they all followed each other  
17 one after the other. Next was Waheed and then Mufeed.  
18 I'm --

19 Is that correct? (Speaking in Arabic.)

20 Waheed and then Mufeed.

21 But he does not -- I don't remember the exact  
22 time periods.

23 **Q. (Mr. Hodges)** Okay. Mr. Hamed, I believe you said  
24 that Mr. Yusuf told you that there was no need to put your  
25 name on the loan, is that -- do I recall that correctly?

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1                   **MR. HARTMANN:** Object. Asked and answered.

2                   **THE INTERPRETER:** He told me that I -- we  
3 would not be able to get the loan if I used my name.

4           **Q. (Mr. Hodges)** Okay. Did -- loan from -- from what  
5 bank, do you recall?

6                   **MR. HARTMANN:** Object. Asked and answered.

7           **A.** Banco Popular.

8                   **THE INTERPRETER:** Banco Popular.

9           **A.** Our bank, Banco Popular.

10                   **THE INTERPRETER:** Banco Popular.

11           **Q. (Mr. Hodges)** Are you sure about that, sir?

12           **A.** Yeah. He told me. Mr. Yusuf tell me.

13                   **THE INTERPRETER:** Arabic. Arabic.

14           **A.** Mr. Fathi tell me I had the loan, 1 million  
15 (Speaking in Arabic) from the bank.

16                   **THE INTERPRETER:** Mr. Fathi told me the loan  
17 amount was 1 million from Banco Popular; that the interest  
18 would be 8,000 -- his share of it would be 8,000, and  
19 equally 8,000 for Mr. Fathi Yusuf.

20           **Q. (Mr. Hodges)** Okay. And at the time -- is this at  
21 the beginning, right at the beginning of the opening of the  
22 store?

23           **A.** Before they opened the store.

24                   **THE INTERPRETER:** Arabic.

25                   Before we opened the store.



MOHAMMAD HAMED -- DIRECT

1           **Q. (Mr. Hodges)** Okay. And didn't Mr. Yusuf tell you  
2 that one of the reasons you didn't need to be on the loan is  
3 that you had no collateral to offer the bank?

4           **MR. HARTMANN:** Object. Asked and answered.

5           **THE INTERPRETER:** Okay. We were willing to  
6 go to any length to be able to get the loan secured. He  
7 used the term in Arabic, you know, We were willing to go to  
8 the moon or to the sky to -- to be able to get the loan.  
9 But he, referring to Mr. Fathi, did not tell me about any  
10 collateral that I would need. And at the time, I didn't  
11 have any.

12           **Q. (Mr. Hodges)** Okay. So you agree with me,  
13 Mr. Hamed, that at the time that Mr. Yusuf was trying to get  
14 a loan, you had no home to put up as a -- as a mortgage.  
15 Or, excuse me, you couldn't mortgage your -- your home to  
16 secure the loan.

17           **MR. HARTMANN:** Object. Mischaracterizes  
18 prior testimony. Also, asked and answered.

19           **THE INTERPRETER:** I did not have even  
20 something this much to collateralize.

21           **MR. HODGES:** Fair enough.

22           **A.** How many times he ask me this question?

23           **MR. HARTMANN:** That's all right.

24           **A.** (Speaking in Arabic.) I got seven children in my  
25 house. I rent a house, and I don't -- I fight to eat, to

**MOHAMMAD HAMED -- DIRECT**

1 give food for my kids, and he asked me, what you have? I  
2 tell you the first time, we don't have. I don't own no  
3 house. I don't own no land. I don't own nothing. I fight  
4 to make money to give Mr. Yusuf to be a partner in this  
5 business, in this supermarket.

6 **THE INTERPRETER:** It's clear.

7 **MR. HODGES:** That part is, but I would like  
8 to hear what he said in Arabic.

9 **MR. HARTMANN:** Excuse me. There's no  
10 question pending.

11 **MR. HODGES:** He -- he spoke in Arabic just a  
12 moment ago.

13 **THE INTERPRETER:** I -- I translated -- I  
14 interpreted what he said in Arabic, and then he spoke mostly  
15 in English after that. I don't recall.

16 **Q. (Mr. Hodges)** Okay. So, but Mr. Yusuf, you agree  
17 with me, did put up his large home as collateral for the  
18 loan to the bank, isn't that right?

19 **MR. HARTMANN:** Object. Asked and answered.

20 **A.** (Speaking in Arabic.) I know that.

21 **THE INTERPRETER:** He says, I know -- I know  
22 that.

23 **A.** I know that. (Speaking in Arabic.) I'm going to  
24 put him under his foot. (Speaking in Arabic.) Like he many  
25 times, he tell me, You're hundred percent. (Speaking in

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1 Arabic.) I don't own no houses.

2 **THE REPORTER:** Arabic. In Arabic. It's  
3 impossible to go from Arabic to English to Arabic to  
4 English. It's impossible.

5 **A.** (Speaking in Arabic.) I rented. I pay rent.  
6 (Speaking in Arabic.) I make a mistake. I say that to out  
7 control. (Speaking in Arabic.)

8 **THE INTERPRETER:** I would have done anything  
9 to help. If I had a home to mortgage or -- and use as  
10 collateral or anything, I would have done so, because at the  
11 time, we were -- we were all working to try and get this  
12 loan.

13 **Q. (Mr. Hodges)** But my question was, isn't it true  
14 that Mr. Yusuf put up his large home?

15 **THE INTERPRETER:** His response was, Yes, a  
16 hundred percent, he's in agreement.

17 **MR. HODGES:** Okay. Thank you.

18 **Q. (Mr. Hodges)** Now, Mr. Hamed, you retired in 1996  
19 at the age of 61, isn't that correct?

20 **A.** I'm not retired --

21 **THE INTERPRETER:** I'm sorry. What, the year  
22 was 19 --

23 **MR. HODGES:** 1996, at the age of 61.

24 **A.** That's not correct. I used to visit Jordan and  
25 then come back and work.

## MOHAMMAD HAMED -- DIRECT

1           **Q. (Mr. Hodges)** Okay. But in 1996, you left the  
2 day-to-day operations of Plaza Extra and returned to Jordan,  
3 isn't that correct?

4                   **THE INTERPRETER:** It was a vacation. Don't  
5 you go on vacation?

6           **Q. (Mr. Hodges)** So you're saying to me, sir, that  
7 you did not retire in 1996?

8           **A.** No.

9                   **THE INTERPRETER:** No. He did not. I did not  
10 retire.

11           **Q. (Mr. Hodges)** So how long would you stay in Jordan  
12 at a time after 1996?

13           **A.** A month.

14                   **THE INTERPRETER:** One month.

15           **Q. (Mr. Hodges)** You never stayed in Jordan more than  
16 one month at a time after 1996?

17                   **THE INTERPRETER:** He says, Yes, it may  
18 have -- yes, it has occurred. Every year, I used to go  
19 visit my parents. They were alive, and I would stay during  
20 the -- the month of Ramadan with them.

21           **Q. (Mr. Hodges)** Okay. So between 1996 and 2010, how  
22 many months a year did you spend in Jordan?

23           **A.** I don't know.

24                   **THE INTERPRETER:** I don't know.

25           **A.** I don't know.

MOHAMMAD HAMED -- DIRECT

1                   **MR. HODGES:** How many --

2                   **THE INTERPRETER:** I don't know.

3           **Q. (Mr. Hodges)** Between 1996 and 2010, how many  
4 months of the year did you spend in the Virgin Islands?

5                   **THE INTERPRETER:** All of my life has been  
6 here.

7           **Q. (Mr. Hodges)** Okay. Now, Mr. -- Mr. Hamed, do you  
8 recall testifying at the hearing on January 25th before the  
9 Honorable Judge Douglas Brady?

10           **A.** No.

11                   **THE INTERPRETER:** He says no. No.

12           **Q. (Mr. Hodges)** Well, if the transcript of those  
13 hearings showed that you were asked this question, Are you  
14 still working at the stores, end of question, and your  
15 answer was, Long time I retired, do you agree with that?

16                   **THE INTERPRETER:** I -- I did not retire  
17 completely. When I was here, I would go to the store. I  
18 did not have any other work to attend to. I would -- I  
19 would go to the store and I would -- I would work.

20           **Q. (Mr. Hodges)** Okay. And are you saying that  
21 between 1996 and today, that's -- that's what you would do  
22 when you come back to the Virgin Islands, you would work in  
23 the store?

24           **A.** Sometime. Sometime.

25                   **THE INTERPRETER:** Sometime.

## MOHAMMAD HAMED -- DIRECT

1           **A.**     Sometime.

2           **Q.**     **(Mr. Hodges)**   Okay.

3           **A.**     I'm not going every day.

4                   **THE INTERPRETER:**   Arabic.   Arabic.

5           **A.**     (Speaking in Arabic.)   I got sick.   I start to --

6                   **THE INTERPRETER:**   Arabic.   Arabic.

7           **A.**     (Speaking in Arabic.)   Sometime I go --

8                   **THE REPORTER:**   Arabic.

9                   **THE INTERPRETER:**   Arabic.

10          **A.**     (Speaking in Arabic.)

11                   **THE INTERPRETER:**   Okay.   Excuse me.   I -- I  
12 occasionally go, but since I've become ill, I -- I'm not  
13 going as frequently, but I still do go.   At this stage, I  
14 am -- you know, I can't go every day.

15          **Q.**     **(Mr. Hodges)**   Okay.   When did you become ill,  
16 Mr. Hamed?

17          **A.**     (Speaking in Arabic.)   I can't remember when.

18                   **THE INTERPRETER:**   He says, I -- I am sick.   I  
19 have cancer in my throat.   I have had an operation in my  
20 head, and he -- he says, he keeps repeating, I'm very sick,  
21 but I can't remember.

22                   **MR. HODGES:**   He can't -- he can't remember  
23 when he became ill?

24                   **THE INTERPRETER:**   I asked him that question.

25                   **MR. HARTMANN:**   Object.   Asked and answered.

MOHAMMAD HAMED -- DIRECT

1           **Q. (Mr. Hodges)** Okay. Now, when you returned to the  
2 Virgin Islands and you say you went to the store, what kind  
3 of work did you do there?

4           **THE INTERPRETER:** I'm sorry.

5           **MR. HODGES:** When he returned to the Virgin  
6 Islands and -- and worked in the store, what kind of work  
7 did he do?

8           **MR. HARTMANN:** Object as to form.

9           **A.** Nothing. (Speaking in Arabic.) They didn't need  
10 me to work, I mean in that, do something. Nothing.  
11 (Speaking in Arabic.)

12           **THE INTERPRETER:** He says, There was no  
13 specific work. I would walk around work, look around. They  
14 really didn't want me to work, but I would be there at the  
15 store looking at employees, looking at the -- at the  
16 business.

17           **Q. (Mr. Hodges)** So other than looking, you didn't  
18 actually do any work.

19           **THE INTERPRETER:** No.

20           **Q. (Mr. Hodges)** Since 1996?

21           **THE INTERPRETER:** Yes.

22           **Q. (Mr. Hodges)** Now, you would agree with me,  
23 Mr. Hamed, would you not, that Mr. Yusuf has never retired  
24 from the business?

25           **MR. HARTMANN:** Object. Mischaracterizes the

**MOHAMMAD HAMED -- DIRECT**

1 prior testimony. He said he didn't retire.

2 **MR. HODGES:** I will put on the record, now,  
3 given this first speaking objection, that if you continue to  
4 clearly violate Rule 39 of the Superior Court rules, I will  
5 file a motion for sanctions against you, Attorney Hartmann.

6 You yesterday made repeated speaking  
7 objections, and a -- an instruction not to answer a question  
8 that involved nothing close to a attorney-client privilege.  
9 Therefore, you have violated Rule 39 § (a)(1) and (2). So  
10 if you keep it up, you're going to get a motion filed  
11 against you.

12 **MR. HARTMANN:** And similarly, if you make  
13 long speech -- speeches onto the record, you violate the  
14 rule as well.

15 Thank you.

16 **MR. HODGES:** Okay. What was the question?  
17 I'm sorry.

18 **THE REPORTER:** "Now, you would agree with me,  
19 Mr. Hamed, would you not, that Mr. Yusuf has never retired  
20 from the business?"

21 **THE INTERPRETER:** He's never told me, and  
22 I've never heard.

23 **MR. HODGES:** Okay. So has his role in the  
24 business ever changed since 1986?

25 **MR. HARTMANN:** Object as to form.



MOHAMMAD HAMED -- DIRECT

1                   **THE INTERPRETER:** Yes.

2           **Q. (Mr. Hodges)** How has Mr. Yusuf's role in -- in  
3 the business changed from 1986 to present?

4           **A. (Speaking in Arabic.)** He stay in the office.

5                   **THE INTERPRETER:** Because -- because --  
6 because I used to unload trailers with him together, working  
7 together, alongside my son. Now, he sits in an office.

8           **Q. (Mr. Hodges)** Well, correct me if I'm wrong,  
9 Mr. Hamed, you testified yesterday that Mr. Yusuf always  
10 took care of the office business, as I believe you described  
11 it, isn't that right?

12           **A. (Speaking in Arabic.)** I used to be in the  
13 receiving area, in the warehouse. I'm in control in there.  
14 Mr. Yusuf, he's in charge of the office? (Speaking in  
15 Arabic.)

16                   **THE INTERPRETER:** No. You asked me the  
17 question yesterday about what his role is and what  
18 Mr. Yusuf's role is, and he answered: He was responsible  
19 for the warehouse -- I was, rather, I was responsible for  
20 the warehouse; Mr. Yusuf was responsible for the -- for the  
21 office.

22           **Q. (Mr. Hodges)** And I believe you testified that he  
23 was in charge for everybody, is that correct?

24                   **MR. HARTMANN:** Object. Mischaracterizes  
25 prior testimony.

MOHAMMAD HAMED -- DIRECT

1                   **THE INTERPRETER:** Repeat your question,  
2 please.

3           **Q. (Mr. Hodges)** I believe you testified that  
4 Mr. Yusuf was in charge for everybody in the business.

5           **A.** Yeah, mon. He's fire and hire. He's in charge.

6                   **MR. HARTMANN:** In Arabic.

7                   **THE INTERPRETER:** Arabic.

8                   No. His responsibility was to receive. He  
9 was responsible to hire and fire. He was responsible for  
10 the front of the store.

11           **A.** And the buying. (Speaking in Arabic.)

12                   **THE INTERPRETER:** Purchases.

13           **Q. (Mr. Hodges)** Okay. Do you recall testifying at  
14 the preliminary injunction hearing on January 25 that  
15 Mr. Yusuf is in charge for everybody?

16           **A.** I can't remember.

17                   **THE INTERPRETER:** He says he can't remember.  
18 I can't remember.

19           **Q. (Mr. Hodges)** But you don't disagree with that, do  
20 you?

21                   **MR. HARTMANN:** Object. Asked and answered.

22                   **THE INTERPRETER:** He does not disagree.

23                   From day one, I worked with -- with Mr. Yusuf  
24 as partners together hand-in-hand. And, you know, our  
25 success was, you know, he was in charge, and -- and -- and

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1 I -- I -- he was fine with that. I mean, he says, you know,  
2 their success is from God.

3 **MR. DEWOOD:** I want to make an objection,  
4 just for the record.

5 **MR. HARTMANN:** Wait. Wait.

6 **MR. DEWOOD:** Let me finish.

7 **MR. HARTMANN:** You want to go off the record?

8 **MR. DEWOOD:** No. On the record. Let me  
9 finish. Don't ever do that again.

10 Translator, please translate every single  
11 word literally, and not the gist of what he testifies to.  
12 That is very, very important. I want, if you need a pad so  
13 you can break it down, please, we'll provide you with one,  
14 but I need the exact literal translation of Mr. Mohammad  
15 Hamed word for word, from Arabic to English, and English to  
16 Arabic, please.

17 **THE INTERPRETER:** I will do my best, but as  
18 you know, it's very difficult, especially when you're  
19 translating.

20 **MR. DEWOOD:** Understood. You can give the  
21 gist later, but I still need the literal translation. And I  
22 will give you, if you want, a pad, and so you can break it  
23 down.

24 **THE INTERPRETER:** Give me -- give me --

25 **MR. HODGES:** Will that help?

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1                   **THE INTERPRETER:** You know, it may be not  
2 helpful, but I'll do my best.

3                   **MR. DEWOOD:** Thank you.

4                   Thank you, Counselor.

5                   **MR. HODGES:** Counsel, can -- can we take a  
6 break, --

7                   **MR. HOLT:** We don't need to take a break.

8                   **MR. HODGES:** -- and maybe you can speak with  
9 your client about trying a little bit harder to speak in  
10 Arabic.

11                   **MR. HOLT:** We don't need to take a break.  
12 We've got a deadline to get this done so we can start the  
13 next one today, so keep on going.

14                   **MR. HODGES:** Well --

15                   **MR. HOLT:** We've only been going 30 minutes,  
16 35 minutes.

17                   **MR. HODGES:** Well, yeah. I want to take a  
18 break, if I can. I need to go to the -- the men's room.

19                   Is that okay with you, Joel?

20                   **MR. HARTMANN:** That's okay, if that's what  
21 you need.

22                   **THE VIDEOGRAPHER:** We're going off the record  
23 at 9:55.

24                   (Short recess taken.)

25                   **THE VIDEOGRAPHER:** Going back on the record.

**MOHAMMAD HAMED -- DIRECT**

1 The time is 9:58.

2 **Q. (Mr. Hodges)** Mr. Hamed, Mr. Yusuf being in charge  
3 of everybody applied to all three stores, isn't that right?

4 **THE INTERPRETER:** Yes.

5 **Q. (Mr. Hodges)** Okay. And that has been the case up  
6 until the time the Court entered a preliminary injunction in  
7 this case, isn't that right?

8 **A.** Yes.

9 **THE INTERPRETER:** Yes.

10 **Q. (Mr. Hodges)** Now, we -- we talked about all three  
11 stores. If you would, I think we've -- you would agree with  
12 me that the Plaza Extra East store began business in 1986,  
13 right?

14 **A.** (Speaking in Arabic). I can't remember. I  
15 couldn't exactly 100 percent. (Speaking in Arabic.

16 **THE INTERPRETER:** He can't be sure. He does  
17 not remember a hundred percent.

18 **Q. (Mr. Hodges)** Do you remember -- do you remember  
19 when the St. Thomas store opened?

20 **A.** No.

21 **THE INTERPRETER:** No, he does not remember --  
22 I don't remember.

23 **Q. (Mr. Hodges)** If I told you that the Plaza East  
24 store opened in April of 1986, would you disagree with me?

25 **THE INTERPRETER:** It's possible.

MOHAMMAD HAMED -- DIRECT

1           **Q. (Mr. Hodges)** Okay. And if I told you that the --  
2 the Tutu Park store opened in 19 -- in October of 1993,  
3 would you have any reason to disagree?

4           **A.** I can't remember.

5                   **THE INTERPRETER:** Is that okay with you?

6                   **THE REPORTER:** I got it.

7                   **THE INTERPRETER:** Okay.

8           **Q. (Mr. Hodges)** What about the Plaza West store, do  
9 you recall when that opened?

10           **A.** No.

11                   **THE INTERPRETER:** No. No, I don't remember.

12           **Q. (Mr. Hodges)** Okay. Now, you always worked at the  
13 Plaza East store, isn't that correct?

14                   **THE INTERPRETER:** Yes.

15           **Q. (Mr. Hodges)** Okay. Over the years, I'm talking  
16 about from 1986 to -- to now, how did you and Mr. Yusuf go  
17 about distributing the net profits from Plaza Extra?

18                   **THE INTERPRETER:** Profits were supposed to  
19 remain in the business.

20           **A.** In the store. In the store.

21                   **THE INTERPRETER:** Oh. He says the profits  
22 were to remain in the store.

23           **Q. (Mr. Hodges)** So you're -- are you -- you're not  
24 telling us that you never got a profit distribution of cash  
25 out of the -- the business, did you?

## MOHAMMAD HAMED -- DIRECT

1                   **THE INTERPRETER:** No, we -- we did not  
2 distribute profits. However, if someone needed money, they  
3 would make withdrawals from the business.

4           **Q. (Mr. Hodges)** And what do you call that? Is that  
5 not a distribution of profits?

6                   **THE INTERPRETER:** No.

7           **Q. (Mr. Hodges)** What do you call that?

8           **A. (Speaking in Arabic.)** Whatever you need, you go  
9 and you sign. You get your money, and you sign a paper, and  
10 you give it to him.

11                   **THE INTERPRETER:** If -- if anyone needed  
12 money, they would request it. They would be given the  
13 money, they would sign for it, and that's it.

14           **Q. (Mr. Hodges)** Okay. So they would be given the --  
15 the money in cash?

16           **A.** Yeah.

17                   **THE INTERPRETER:** Yes.

18           **Q. (Mr. Hodges)** Would -- if somebody needed money,  
19 would they ever receive a check?

20                   **THE INTERPRETER:** Yes.

21           **Q. (Mr. Hodges)** Who would -- where would -- where  
22 would the check come from?

23           **A.** From the Plaza.

24                   **THE INTERPRETER:** From Plaza.

25           **A.** From the Plaza.

MOHAMMAD HAMED -- DIRECT

1           **Q. (Mr. Hodges)** What name would be on the check as  
2 the -- as the payor?

3                   **MR. HARTMANN:** Object. Asked and answered.

4           **A.** (Speaking in Arabic). They wanted hand work,  
5 right?

6                   **THE INTERPRETER:** If someone has done work  
7 for the store, for the business, they would be issued a  
8 check from the business. Who -- who would pay -- his  
9 response was, who would pay for -- who would pay the check?  
10 In other words, who would issue the check?

11                   It's a question back to you.

12           **Q. (Mr. Hodges)** Okay. Mr. Hamed, I don't -- I don't  
13 get to answer questions today. It -- it's your job to  
14 answer the questions, okay?

15           **A.** Whatever you want, and you -- you be fair. I'm  
16 ready any time. If the God give me a health, good health,  
17 to be able to (inaudible). If not, God knows.

18           **Q. (Mr. Hodges)** Okay. So I take it you understood  
19 my question or my comment just a moment ago, is that  
20 correct?

21           **A.** (Speaking in Arabic). Check or cash, or somebody  
22 name or any -- anyone (Speaking in Arabic). If you are  
23 Sunshine, you give the people that work for you --

24                   **THE REPORTER:** In Arabic, in Arabic.

25                   **THE INTERPRETER:** Maybe he -- maybe he



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1 doesn't understand the question, because he's --

2 **Q. (Mr. Hodges)** What -- what is he saying? Let's  
3 hear.

4 **THE INTERPRETER:** He's saying the check is  
5 issued to the person who worked, is what I -- I'm  
6 understanding him to say.

7 **A.** (Speaking in Arabic.)

8 **THE INTERPRETER:** If I may, I'm just going to  
9 try one more time.

10 **A.** (Speaking in Arabic). I don't know.

11 **Q. (Mr. Hodges)** I think he's understanding, Who is  
12 the check being paid to, is I'm gathering from the response.

13 **MR. DEWOOD:** Okay. I -- I'm going to have to  
14 make an objection. Okay.

15 **MR. HODGES:** The objection would be that  
16 apparently there -- I don't know if you're able to translate  
17 each and every word that he utters in response to my  
18 question.

19 **THE INTERPRETER:** It's difficult. It's  
20 difficult.

21 **MR. HODGES:** It needs and should be done.  
22 And the constant -- constant transposition from Arabic to  
23 English by the witness is obviously creating difficulty for  
24 the court reporter, as noted by her. He needs to either do  
25 one or the other. Speak in Arabic only, and -- and -- and

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1 so that the translator can try to, and slowly, so that the  
2 translator can take down --

3 **MR. HARTMANN:** Are you telling this to him to  
4 translate? What are we doing right now?

5 **MR. HODGES:** I'm putting an objection on the  
6 record.

7 **MR. HARTMANN:** Objection to what?

8 **MR. HODGES:** To what's transpiring here.  
9 That we're not getting verbatim translations because of the  
10 difficulty created by back and forth from Arabic to English,  
11 and the time it takes him. If he was only listening to  
12 Arabic, he could probably translate it a little bit easier,  
13 but he's switching back and forth from English to Arabic,  
14 taking, making him think in English, Arabic, what do I  
15 translate, you know, it's making it impossible.

16 **MR. HARTMANN:** Okay. I don't know what an  
17 objection means in this context, but let me just tell you  
18 what I see.

19 The translator answered that he didn't  
20 understand the question, and he told you that he didn't  
21 understand the question. You then continued. His answer  
22 was perfectly clear. He translated it perfectly clearly.

23 **MR. HODGES:** What was perfectly clear?

24 **MR. HARTMANN:** You asked him the question.

25 **MR. HODGES:** What -- what question are you

**MOHAMMAD HAMED -- DIRECT**

1 talking about?

2 **MR. HARTMANN:** Your question to him was, who  
3 issued the check. He answered, The checks were issued to  
4 people who did work for the store. He said, I don't think  
5 that he understood it. That has nothing to do with his  
6 translation.

7 **MR. HODGES:** No, he --

8 **MR. HARTMANN:** That's exactly what happened,  
9 Greg.

10 **MR. HODGES:** Well, the record will --

11 **MR. HARTMANN:** You can ask the question  
12 again, until he understands your question. He said he  
13 didn't understand the question. He said it twice.

14 **MR. HODGES:** Well, then he needs to tell me  
15 that.

16 **MR. HARTMANN:** He did.

17 **MR. HODGES:** No, he didn't.

18 **MR. HARTMANN:** Do you want to read back? He  
19 did twice, Greg.

20 **MR. HODGES:** What question did he not  
21 understand? The question, who issued the checks.

22 **MR. HARTMANN:** Yes, that's the question he  
23 didn't understand. And the translator said that twice.

24 **Q. (Mr. Hodges)** What do you not understand about the  
25 question, Who issued the check?

**MOHAMMAD HAMED -- DIRECT**

1                   **MR. HARTMANN:** He may not know what the word  
2 "issued" means, for instance. Most laymen don't.

3                   **MR. HODGES:** Is that an -- an objection, or  
4 is that coaching?

5                   **MR. HARTMANN:** No, we're having -- we're  
6 having a dialogue here. Do you want to stop the dialogue  
7 and go back to your question?

8                   **MR. HODGES:** No, I don't -- yeah, I don't  
9 want your --

10                   **MR. HARTMANN:** Okay.

11                   **MR. HODGES:** -- your coaching to the witness.

12                   **MR. HARTMANN:** I'm not coaching the witness,  
13 Greg. You made an objection. I am responding to your  
14 objection.

15                   **MR. HODGES:** All right.

16                   **Q. (Mr. Hodges)** What is difficult, in your mind,  
17 Mr. Hamed, to understand about the question, Who issued the  
18 check?

19                   **MR. HARTMANN:** Object as to form.

20                   **THE INTERPRETER:** You want me to translate?

21                   **MR. HARTMANN:** Argumentative.

22                   **THE INTERPRETER:** (Speaking in Arabic).

23                   **MR. HARTMANN:** In Arabic.

24                   **THE INTERPRETER:** We would make withdrawals  
25 from the checks that we have.

## MOHAMMAD HAMED -- DIRECT

1           **A.**    The check belong to Plaza, and the name for Plaza  
2    in it.

3                   **MR. HARTMANN:**    Would you please translate  
4    what he just said about Plaza?

5                   **THE WITNESS:**    The name of Plaza is on the  
6    check.

7                   **MR. HARTMANN:**    Okay.

8                   **MR. DEWOOD:**    Minor objection.    One  
9    instruction --

10                  **MR. HODGES:**    No, we can't both do this.

11                  **MR. HARTMANN:**    Yeah.    One of you has got to  
12    take the deposition.

13                  **MR. DEWOOD:**    Okay.    I got to make this for  
14    the record clear right now.

15                  **MR. HARTMANN:**    Then we can go off the record  
16    and you can say something.

17                  **MR. DEWOOD:**    Okay.    Let's go off the record  
18    for one second.

19                  **THE VIDEOGRAPHER:**    Going off the record.    The  
20    time is 10:12.

21                                    (Discussion held off the record.)

22                  **THE VIDEOGRAPHER:**    Going back on record at  
23    10:15.

24                  **MR. HARTMANN:**    Okay.    I'd just like to make a  
25    point that a discussion was held off the record with

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1 Attorney DeWood, who stated that he felt that the -- and  
2 correct me if I mischaracterize this -- he felt that the  
3 translator was interjecting intermediate questions, and he  
4 would like to have those intermediate questions translated  
5 into English, is that correct?

6 **MR. DEWOOD:** That is correct. Or -- or  
7 preferably eliminate those questions to the extent possible.

8 **MR. HARTMANN:** Okay.

9 **Q. (Mr. Hodges)** Mr. Hamed, we're -- we're talking  
10 about the -- the concept of how the two partners, you and  
11 Mr. Yusuf, went about distributing the net profits. Okay?  
12 That's the topic we're talking about.

13 **MR. HARTMANN:** Object as to form.

14 **Q. (Mr. Hodges)** Okay. It's not a question. I'm  
15 just telling you that.

16 Okay. So, as I understand your testimony, if  
17 you needed some cash, you would go and get Mr. Yusuf to  
18 agree to it, and you would sign for it, and you would get  
19 that cash, is that right?

20 **MR. HARTMANN:** Object. Object, asked and  
21 answered. Object, mischaracterizes his prior testimony.

22 **THE INTERPRETER:** Yes.

23 **Q. (Mr. Hodges)** Okay. And so if, for example, your  
24 son Waleed Hamed wanted some money to do whatever he needed  
25 to do in his private life, if Mr. Yusuf would agree to it,

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1 he would sign a receipt and he would get the cash, is that  
2 right?

3 **MR. HARTMANN:** Object as to form. No period  
4 specified.

5 **THE INTERPRETER:** Yes.

6 **Q. (Mr. Hodges)** Okay. And that would -- that  
7 would -- that's the way it was from 1986 until the -- the  
8 raid in 2001, isn't that correct?

9 Or, excuse me, was it 2001? 2001.

10 **THE INTERPRETER:** Yes, that's correct.

11 **Q. (Mr. Hodges)** Okay. And that was in addition, I  
12 mean as far as the checks that you got, you got a check  
13 every payday while you were working there from '86 to '96,  
14 isn't that right?

15 **A.** \$289 check (speaking in Arabic).

16 **THE INTERPRETER:** Yes.

17 **Q. (Mr. Hodges)** Okay. And that check that you got  
18 every payday from 1986 to 1996 had on the top of it,  
19 United Corporation doing business as Plaza Extra, isn't that  
20 right?

21 **MR. HARTMANN:** Object. Asked and answered.

22 **A.** I can't remember.

23 **THE INTERPRETER:** He said, I can't remember.

24 **Q. (Mr. Hodges)** You can't remember all those checks  
25 that you got?

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1           **A.**    No.

2                           **MR. HARTMANN:**  Object.  Asked and answered.

3           **A.**    No.

4                           **MR. HARTMANN:**  You want to talk to the  
5  interpreter.  You're looking at him and talking to him.  
6  That's what's happening.  He's responding to you in English.

7                           **MR. HODGES:**  I can look at you while I ask my  
8  questions, can't I?

9                           **MR. HARTMANN:**  I'm just -- okay, fine.

10           **Q.**    **(Mr. Hodges)**  So, do I understand you correctly,  
11  Mr. Hamed, that the only way the partners or their family  
12  members would get money out of the Plaza Extra stores was by  
13  cash and these receipts?

14                           **THE INTERPRETER:**  Yes.

15           **Q.**    **(Mr. Hodges)**  Okay.  Never by check?

16           **A.**    Sometime.

17                           **THE INTERPRETER:**  Sometimes.

18           **Q.**    **(Mr. Hodges)**  And what times would these  
19  distributions come by check?

20                           **MR. HARTMANN:**  Object as to form.

21           **A.**    I don't know exactly what time.  I don't know.

22                           **THE INTERPRETER:**  He does not know.

23           **Q.**    **(Mr. Hodges)**  Is there any reason, or do you -- do  
24  you have any understanding as to why distributions would  
25  sometimes be made by check?



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1           **A.**    Employees --

2                           **THE INTERPRETER:**   Arabic.

3                           Every week, checks would be distributed to  
4 all employees.

5           **Q.**    **(Mr. Hodges)**   I'm not talking about checks from  
6 United Corporation d/b/a Plaza Extra to the employees.  I'm  
7 talking about partnership distributions.

8                           **MR. HARTMANN:**   Object.  Asked and answered.

9                           **THE INTERPRETER:**   Okay.  Any time I need  
10 money, I go to the office, I make the request.  They give it  
11 to me, and I sign for it.

12           **Q.**    **(Mr. Hodges)**   Okay.  Well, what about when you  
13 were in Jordan and you wanted some money, how would you get  
14 that money?

15                           **THE INTERPRETER:**   I would inform my sons, and  
16 they would withdraw for on my behalf, and send it to me.

17           **Q.**    **(Mr. Hodges)**   How would the money be sent to you,  
18 sir?

19           **A.**    Check.

20                           **THE INTERPRETER:**   Check.

21           **Q.**    **(Mr. Hodges)**   Always checks?

22           **A.**    Yeah.  Yeah.

23                           **THE INTERPRETER:**   Yes.

24           **Q.**    **(Mr. Hodges)**   Never any wire transfers?

25           **A.**    No (Speaking in Arabic).  Sometime, or --

MOHAMMAD HAMED -- DIRECT

1                   **THE INTERPRETER:** Arabic.

2                   **MR. HODGES:** Oh, sometimes he would get wire  
3 transfers.

4           **Q. (Mr. Hodges)** How many times between --

5           **A.** I can't remember how many times.

6           **Q.** So what you're saying, correct me if I'm wrong, is  
7 that usually, in fact most of the time, when a partner  
8 wanted cash for himself or his family, he would simply sign  
9 a receipt and the cash would be given to him, is that  
10 correct?

11           **A.** Yes.

12           **Q.** And before the money was given, did -- for  
13 example, if it was given to Mr. Yusuf or -- or members of  
14 his family, did you have to agree to it personally?

15           **A.** I have to ask (speaking in Arabic).

16                   **THE INTERPRETER:** I'm just going to ask your  
17 question, I'm going to ask him the question you asked me to  
18 ask him, because --

19           **MR. HODGES:** I would -- can you tell us what  
20 he just said?

21                   **THE INTERPRETER:** I sure can. He basically  
22 repeated what he said all along, that whenever anybody  
23 needed anything, they would make the request to Mr. Yusuf  
24 and the same procedures. They would make the request, they  
25 would be given the money, they would sign for it. He added

**MOHAMMAD HAMED -- DIRECT**

1 that, you know, maybe I need to -- my son needs to get  
2 married, or somebody -- he gave examples of why they may  
3 need the money. So he's basically repeating the same -- the  
4 same response as he did before.

5 Do you want me to ask the question that you  
6 asked? Because your question was when Mr. Yusuf needed  
7 money, correct?

8 **MR. HODGES:** Right.

9 **THE INTERPRETER:** No. He would withdraw as  
10 he wished.

11 **Q. (Mr. Hodges)** And that was okay with you?

12 **A.** (Speaking in Arabic) whatever you did --

13 **THE INTERPRETER:** Arabic.

14 He says he was fine with that. That's  
15 what -- this was the agreement he had with Mr. Yusuf, and he  
16 supported him a hundred percent. He had no issue with it.

17 **Q. (Mr. Hodges)** Mr. Hamed, would you agree with me  
18 that other than the paychecks that you would get every  
19 payday from the -- as an employee of United, plus your  
20 distributions from the -- the partnership as we've just  
21 described, you have not -- no other source of income?

22 **THE INTERPRETER:** Yes. God is my witness.

23 **Q. (Mr. Hodges)** Okay. And the same would apply to  
24 all of your sons, too, isn't that correct?

25 **THE INTERPRETER:** Yes.

MOHAMMAD HAMED -- DIRECT

1                   **MR. HARTMANN:** Object as to form.

2           **Q. (Mr. Hodges)** Okay. And that would be from 1986  
3 until today?

4           **A.** Yes.

5                   **THE INTERPRETER:** Yes.

6                   **MR. HARTMANN:** Object as to form.

7           **Q. (Mr. Hodges)** Mr. Hamed, under your agreement,  
8 agreement with Mr. Yusuf, isn't it true that you agreed with  
9 each other that you would devote your full attention to the  
10 business of the partnership, and not do anything outside  
11 that business?

12           **A.** Yes, one hundred percent.

13           **Q.** And the same would apply to both your sons and  
14 Mr. Yusuf's sons, as well, isn't that correct?

15           **A.** We followed that agreement, and we -- we  
16 implemented it.

17                   **MR. HARTMANN:** Object as to form.

18                   **MR. HODGES:** So his answer to my question is  
19 yes?

20                   **MR. HARTMANN:** Object as to form.

21                   **THE INTERPRETER:** Yes.

22           **Q. (Mr. Hodges)** Do you have a sense, Mr. Hamed, of  
23 how much cash has been withdrawn from Plaza Extra for the  
24 benefit of you and your family from 1986 to 2003?

25                   **THE INTERPRETER:** No.

**MOHAMMAD HAMED -- DIRECT**

1           **Q. (Mr. Hodges)** No idea whatsoever?

2           **A.** No.

3                   **THE INTERPRETER:** Millions of --

4           **A.** (Speaking in Arabic.) I have to sign, and have a  
5 check to me or my family. We used to work and we get paid.

6                   **THE INTERPRETER:** Arabic.

7                   My sons used to work with me in the business  
8 and would get -- would get a salary like everybody else.

9           **Q. (Mr. Hodges)** When you say "like everybody else,"  
10 you mean like all of Mr. Yusuf's sons, as well?

11           **A.** Yeah.

12                   **THE INTERPRETER:** Yes, the same. They --  
13 they get the same salary.

14           **Q. (Mr. Hodges)** Okay. In fact, Mr. Yusuf gets a  
15 check for salary, as well, isn't that correct?

16           **A.** Yeah, from the Plaza.

17                   **THE INTERPRETER:** Yes.

18           **Q. (Mr. Hodges)** Mr. Hamed, at Paragraph 18 of your  
19 First Amended Complaint, and I'm quoting, you state, quote,  
20 Except for the recent unauthorized removal of funds  
21 described herein, for 25 years all distributions from the  
22 supermarket accounts have been split 50/50 between the  
23 partners?

24                   **MR. HARTMANN:** Could you direct the  
25 translator to where you are?

MOHAMMAD HAMED -- DIRECT

1                   **THE INTERPRETER:** That might be helpful.

2           **Q. (Mr. Hodges)** End of quote.

3                   **MR. HODGES:** Yes.

4                   Will you hand me the First Amended Complaint,  
5 and I'll show you?

6                   **MR. HARTMANN:** We have no objection, if you  
7 just want to have the -- have him ask -- have the translator  
8 read that section to him?

9           **Q. (Mr. Hodges)** I'll under --

10                   **MR. HARTMANN:** -- in preparation for a  
11 question.

12                   **MR. HODGES:** I'll underline it for you.

13                   **THE INTERPRETER:** (Reading in Arabic.)

14                   Okay. Yes. Yes, but no one is supposed to  
15 get more than the other. No one side is supposed to get  
16 more than the other.

17           **Q. (Mr. Hodges)** Okay. Now, let's go back to the  
18 cash distributions for a moment, Mr. Hamed.

19           **A.** No.

20           **Q.** Do I understand your testimony correctly, that if  
21 you or some member of your family wanted to withdraw cash,  
22 you would have to tell Mr. Yusuf what you wanted it for?

23                   **MR. HARTMANN:** Object. Mischaracterizes his  
24 prior testimony. Asked and answered.

25                   **THE INTERPRETER:** Yes, or his son.

## MOHAMMAD HAMED -- DIRECT

1           **Q.**    **(Mr. Hodges)**  Okay.  And if Mr. Yusuf or any of  
2 his sons wanted to withdraw cash --

3           **A.**    They have to sign it.

4           **Q.**    **(Mr. Hodges)**  Let me finish my question, please.

5                        If Mr. Yusuf or any of his sons wanted to  
6 withdraw cash from the partnership business, would they have  
7 to ask you?

8           **A.**    Yeah, they have to.  I'm his partner.  I did -- I  
9 asked him, if I need something, he tell me, go ahead.  They  
10 sign the paper and give me the money, when how much I ask.

11          **Q.**    Okay.  So you're -- you're --

12          **A.**    If Mr. Yusuf not in the office, his son, they will  
13 take care of it.

14          **Q.**    I'm talking about Mr. -- if Mr. Yusuf or one of  
15 his sons needed money and wanted to draw some cash from the  
16 partnership, is it your testimony that either Mr. Yusuf or  
17 his sons would need to get your permission?

18          **A.**    Yeah.

19          **Q.**    Okay.  And so your -- your personal position --  
20 permission, not one of your sons?

21          **A.**    No.  My son, he's not his partner.  I'm his  
22 partner.

23          **Q.**    Okay.  So you're -- are you telling me that every  
24 time they signed a receipt to draw money, they would get  
25 your permission?

MOHAMMAD HAMED -- DIRECT

1                   **MR. HARTMANN:** Object. Asked and answered.  
2 Argumentative.

3           **A.** Supposed to.

4           **Q. (Mr. Hodges)** Okay. Have you seen all the  
5 receipts that have been issued by members of your family and  
6 the Yusuf family over the years since 1986?

7                   **MR. HARTMANN:** Object. Asked and answered.

8                   **THE INTERPRETER:** No.

9                   **THE WITNESS:** I don't see all what they ask  
10 for.

11           **Q. (Mr. Hodges)** Okay. So would it be fair to say,  
12 then, that periodically you -- your family, or you and  
13 Mr. Yusuf, would settle up and make sure everything was  
14 even?

15                   **THE INTERPRETER:** Not once.

16           **A.** Open the book and talked with him, so Mr. Yusuf  
17 would know how much we --

18                   **MR. HARTMANN:** In Arabic.

19                   **THE INTERPRETER:** Not once did I -- did I  
20 approach Mr. Yusuf to -- to -- we have never sat to settle  
21 any accounts.

22           **Q. (Mr. Hodges)** Okay.

23           **A.** From the time we opened, until now.

24           **Q.** Not one time did, I believe you're testifying, not  
25 one time between 1986 and today, did you and Mr. Yusuf agree



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1 that everything had been 50/50 split and you were even?

2 **MR. HARTMANN:** Object, mischaracterizes the  
3 testimony. Object, asked and answered.

4 **THE INTERPRETER:** Do me a favor and repeat  
5 the question, please.

6 **Q. (Mr. Hodges)** Not one time between 1986 and today  
7 did you or Mr. Yusuf agree that you were 50/50 split, and  
8 everything was even?

9 **THE INTERPRETER:** No.

10 **A.** (Speaking in Arabic.) He asked me --

11 **MR. HARTMANN:** Can we have an off-the-record  
12 one second?

13 **THE INTERPRETER:** Sorry.

14 **MR. HARTMANN:** We don't have to go off,  
15 actually.

16 **A.** (Speaking in Arabic).

17 **THE INTERPRETER:** If it's okay, I need to ask  
18 him, he said something in Arabic, "after we got burnt," and  
19 I just want clarification so I can understand the time  
20 frame.

21 **MR. HODGES:** Could we have the translation of  
22 what he just said first?

23 **THE INTERPRETER:** Sure. He said, After we  
24 got burnt, Mr. Yusuf asked me to give him an accounting of  
25 what we withdrew as a family after my daughters and sons got

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1 married, and he said to me, I -- I purchased some olive  
2 trees, so Mr. Yusuf asked me for an accounting of those --  
3 those withdrawals.

4 **MR. HODGES:** Okay. And you -- is that where  
5 it was left off?

6 **THE INTERPRETER:** Yes, I believe.

7 **Q. (Mr. Hodges)** So are you saying that after the  
8 store got burnt, do you remember when that was?

9 **A.** (Speaking in Arabic.) I can't remember.

10 **THE INTERPRETER:** He says, Yes, when the  
11 store was burnt, but I don't remember when.

12 **Q. (Mr. Hodges)** Okay. So I take it, then, that  
13 sometime after the store burnt, you agree that there was a  
14 settling up of accounts?

15 **A.** (Speaking in Arabic) in front of everybody.  
16 (Speaking in Arabic.) And how much, they had more.

17 **THE INTERPRETER:** Okay. Upon the settlement  
18 of the account, he showed Mr. Yusuf what his family  
19 withdrew, and Mr. Yusuf's response to him was, It -- it  
20 appears we have -- we have withdrawn more than you have as a  
21 family, so let's just -- he's -- and he's describing what  
22 Mr. Yusuf said, so let's just call it, in other words,  
23 settled. And these were his words.

24 **Q. (Mr. Hodges)** So do I understand your testimony  
25 correctly, Mr. Hamed, that you're saying that even though

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1 Mr. Yusuf was on the short side --

2 **THE INTERPRETER:** No, it's the other way.

3 **MR. HODGES:** Oh, okay.

4 **THE INTERPRETER:** In other words --

5 **MR. HODGES:** Even though the Yusuf family had  
6 drawn less than the Hamed family --

7 **THE INTERPRETER:** I'm sorry.

8 **MR. HARTMANN:** No, no.

9 **THE INTERPRETER:** It's the other way.

10 **MR. HODGES:** Okay.

11 **Q. (Mr. Hodges)** Mr. Hamed, so I think what you're --  
12 you're saying is that sometime after the fire in the store,  
13 you -- you came to an understanding with Mr. Yusuf that even  
14 though his family had drawn more money out of the  
15 partnership, that you were going to call it even anyway?

16 **THE INTERPRETER:** I told you, these were his  
17 words, and God's book is our witness.

18 **A.** That's what he told me.

19 **THE INTERPRETER:** That's what he says  
20 Mr. Yusuf told him.

21 **Q. (Mr. Hodges)** And did you agree to it?

22 **A.** (Speaking in Arabic). He's my brother-in-law. I  
23 trust him. And when I go home, vacation, on my vacation --

24 **MR. HARTMANN:** In Arabic.

25 **THE INTERPRETER:** He says, I -- I agreed to

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1 it. I trusted him. I -- I -- I used to ask him to look  
2 over my sons when I would travel, if something should happen  
3 to me. Uh --

4 **Q. (Mr. Hodges)** Okay. Now, Mr. Hamed, do you, is it  
5 your testimony that you and your family never received any  
6 Plaza Extra funds that were not split 50/50?

7 **THE INTERPRETER:** There was no money other  
8 than what was in the store, and what we -- what we requested  
9 as withdrawals when we needed it.

10 **Q. (Mr. Hodges)** But what I'm -- I'm -- I'm asking  
11 you, sir, is to tell me, do you agree that it is your  
12 position that you never got any funds out of the partnership  
13 that either weren't agreed to by Mr. Yusuf or split 50/50?

14 **MR. HARTMANN:** Object as to form.

15 **THE INTERPRETER:** There was no agreement  
16 other than, when we needed money, we would make withdrawals.  
17 And when I purchased my home, I withdrew 40,000. There was  
18 a balance of 50,000 that I financed with the -- with the  
19 owner, which I paid monthly.

20 **Q. (Mr. Hodges)** But that's -- that doesn't answer my  
21 question, sir.

22 **MR. HARTMANN:** Wait, wait, wait.

23 Go ahead.

24 **Q. (Mr. Hodges)** The -- the question is, is it your  
25 testimony that neither you nor your family ever withdrew any

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1 cash from the partnership business that was either not split  
2 50/50 with the Yusuf family, or agreed to by Mr. Yusuf?

3 **MR. HOLT:** Object as to form.

4 Go ahead.

5 **THE INTERPRETER:** No.

6 **A.** (Speaking in Arabic.)

7 **THE INTERPRETER:** Okay. One year, Mr. Yusuf  
8 informed him that he purchased a -- like an apartment or  
9 condo in -- in Jordan for a niece of -- his niece, and told  
10 him that the price was 55,000. And he brought with him  
11 \$40,000 to give Mr. Hamed, as -- as I understood it, to be  
12 an exchange. But he says he made no issue of it because  
13 they're family, and it was -- it was okay with him.

14 **Q. (Mr. Hodges)** Okay. But that, again, I'm not sure  
15 he's answering my question. I'm not talking about  
16 Mr. Yusuf's withdrawals of cash from the business, I'm  
17 talking about Mr. Hamed and his family's withdrawals?

18 **THE INTERPRETER:** He says, I understand the  
19 question.

20 **A.** Nothing happened like that.

21 **THE INTERPRETER:** He says, I understand the  
22 question. We've never sat down to say, This is yours and  
23 this is mine.

24 **Q. (Mr. Hodges)** Listen to the question, Mr. Hamed.  
25 Are you testifying under oath today that neither you nor any

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1 member of your family ever withdrew money from Plaza Extra  
2 without the permission of Mr. Yusuf, or without splitting it  
3 50/50 with the Yusuf family?

4 **MR. HARTMANN:** Object. Compound.

5 **THE INTERPRETER:** No. It never happened --  
6 it never happened from the -- from day one until now, and  
7 God is our witness.

8 **Q. (Mr. Hodges)** Okay. Now, Mr. Hamed, isn't it true  
9 that Mr. Yusuf actually trusted your sons with the -- the  
10 possession and control over the cash safe of the business?

11 **THE INTERPRETER:** Yes.

12 **THE WITNESS:** Yes.

13 **Q. (Mr. Hodges)** And if -- if he or one of his sons  
14 needed to get cash, they would have to come to one of your  
15 sons, isn't that correct?

16 **A.** Yes.

17 **Q.** Now, the distributions from the partnership were  
18 done either in this cash way that we've been talking about,  
19 correct, or by land, by purchasing land?

20 **THE INTERPRETER:** Yes.

21 **Q. (Mr. Hodges)** Okay. And when you would distribute  
22 cash, or distribute cash from the -- the business to buy  
23 land, it would always be bought in a company that was owned  
24 50/50 by your family and Mr. Yusuf's family, is that right?

25 **THE INTERPRETER:** Yes.

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1 Q. (Mr. Hodges) And we're talking about the --

2 MR. HARTMANN: Page, please?

3 MR. HODGES: Page 7 of the First Amended  
4 Complaint.

5 THE INTERPRETER: Page 7. Okay.

6 Q. (Mr. Hodges) You're familiar with the Peter --  
7 Peter's Farm Investment Corporation?

8 A. I can't remember that much.

9 THE INTERPRETER: (Speaking in Arabic.) I  
10 don't remember.

11 Now I'm responding in Arabic.

12 (Laughter.)

13 MR. HARTMANN: That's okay. He was talking  
14 to him in English. You get to get him back.

15 Q. (Mr. Hodges) So you don't know, you don't have  
16 any recollection or knowledge about Peter's Farm Investment  
17 Corporation?

18 A. I can't remember.

19 Q. Okay. What about Sixteen Plus Corporation, do you  
20 know anything about that?

21 A. I can't remember. I can't remember.

22 THE INTERPRETER: He doesn't -- I don't  
23 remember.

24 Q. (Mr. Hodges) Okay. What about Plessen  
25 Enterprises, Inc.?

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1                   **THE INTERPRETER:** Sorry?

2           **Q. (Mr. Hodges)** Do you know anything about that?

3           **A.** I can't remember that.

4           **Q.** Okay. Y & S Corporation, do you know anything  
5 about that?

6           **A.** I can't remember.

7           **Q. (Mr. Hodges)** Okay. So you don't know whether  
8 your family has a 50-percent interest in those companies  
9 we've just identified?

10                   **THE INTERPRETER:** No.

11           **Q. (Mr. Hodges)** Now, Mr. Hamed, are you aware of any  
12 properties that are in the name of you and Mr. Yusuf?

13                   **THE INTERPRETER:** Here, you mean?

14           **Q.** Anywhere in the world?

15           **A.** I believe Arab (speaking in Arabic).

16                   **THE INTERPRETER:** Yes, in Jordan and here.

17           **Q. (Mr. Hodges)** Okay. Tell us about the property or  
18 properties in Jordan that you own with Mr. Yusuf?

19           **A.** (Speaking in Arabic). I don't know what you call  
20 it.

21                   **THE INTERPRETER:** Okay.

22           **A.** Exactly when -- (speaking in Arabic.) That's too  
23 many to remember exactly how much.

24                   **MR. HARTMANN:** Greg, could we take five  
25 minutes? He has to have his blood sugar checked.



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1                   **THE INTERPRETER:** Okay. May I?

2                   **MR. HODGES:** Do you want to -- can you wait  
3 to give the answer?

4                   **MR. HARTMANN:** No, go ahead.

5                   **MR. HODGES:** Let us have the answer, and then  
6 we'll take a break.

7                   **THE INTERPRETER:** Sure. Dunam in Arabic is  
8 equivalent of quarter of an acre, correct? So he's giving  
9 them in this -- in this measurement, 12 dunams in an area  
10 called Shimasani; 94 dunams in an area called Tabarria;  
11 there's a large parcel near the airport, he could not tell  
12 me the size; and 40 dunams near a school somewhere in  
13 Jordan.

14                   **MR. HARTMANN:** And what's, I'm sorry, what's  
15 a dunam?

16                   **THE INTERPRETER:** Dunam is almost a quarter  
17 of an acre.

18                   **MR. HARTMANN:** Okay.

19                   **THE INTERPRETER:** I think it's 10,000 square  
20 feet.

21                   **MR. HODGES:** How do you spell it?

22                   **THE INTERPRETER:** D-U-N -- I'm phonetically  
23 spelling it -- D-U-N-U-M (sic).

24                   **Q. (Mr. Hodges)** Okay. Okay. So you've just -- just  
25 described all of the properties in Jordan that you own,

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1 co-own with Mr. Yusuf?

2 **A.** Yeah.

3 **THE INTERPRETER:** Yes.

4 **MR. HARTMANN:** Greg?

5 **MR. HODGES:** Oh, sorry. Yeah.

6 **MR. HARTMANN:** That's okay.

7 **MR. HODGES:** If we may, we'll take a  
8 five-minute break.

9 **THE VIDEOGRAPHER:** Going off the record at  
10 10:59.

11 (Short recess taken.)

12 **THE VIDEOGRAPHER:** Going back on record at  
13 11:11.

14 **Q. (Mr. Hodges)** Mr. Hamed, you were talking about  
15 the properties that you co-own with Mr. Yusuf in Jordan  
16 before the break, is that right?

17 **THE INTERPRETER:** Yes.

18 **Q. (Mr. Hodges)** Okay. Do you own any other  
19 properties with Mr. Yusuf in the Middle East?

20 **A.** We used to.

21 **THE INTERPRETER:** Arabic.

22 **A.** (Speaking in Arabic). And he sold it.

23 **THE INTERPRETER:** Arabic.

24 **A.** Yeah.

25 **THE INTERPRETER:** We were partners in a

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1 concrete plant, but he sold it.

2 A. In West Bank.

3 THE INTERPRETER: In the West Bank.

4 Q. (Mr. Hodges) When you say "he sold it," what do  
5 you mean by that? That you didn't agree to the sale?

6 THE INTERPRETER: I had given him power of  
7 attorney, a general power of attorney, and -- and he sold  
8 it. He sold it.

9 Q. (Mr. Hodges) And what happened to the proceeds?

10 A. I don't know what he did. He give it to the  
11 (speaking in Arabic).

12 THE INTERPRETER: He says, I don't know if  
13 he's given it to the city or to the poor. I -- I don't  
14 know.

15 Q. (Mr. Hodges) So when did this happen?

16 THE INTERPRETER: Last year.

17 Q. (Mr. Hodges) And do you know how much the  
18 property sold for?

19 THE INTERPRETER: No.

20 Q. (Mr. Hodges) Do you object to what Mr. Yusuf did?

21 A. He don't tell me.

22 THE INTERPRETER: He didn't tell me.

23 Q. (Mr. Hodges) Well, that's not my question, sir.

24 THE INTERPRETER: What is your question?

25 Q. (Mr. Hodges) Do you object to what Mr. Yusuf did?

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1                   **THE INTERPRETER:** He does not object. He  
2 does not care.

3           **Q. (Mr. Hodges)** So going back to my -- there --  
4 truly the last question -- not the last question, but the  
5 one before that, was I want to make sure that we've --  
6 you've described all of the properties that you currently  
7 co-own with Mr. Yusuf in the Middle East?

8                   **MR. HARTMANN:** Object to form.

9                   **THE INTERPRETER:** We have property in Jordan,  
10 but I don't know all of them.

11                   I -- I -- I guess he gave us what he's --  
12 what he knows.

13           **Q. (Mr. Hodges)** Okay. So I take it, then, that  
14 the -- the 12, the 94, the large parcel near the airport,  
15 and the 40 dunams that you described earlier, there may be  
16 more properties, you just don't -- you don't remember them?

17           **A.** I don't know.

18                   **THE INTERPRETER:** I don't know.

19           **Q. (Mr. Hodges)** Now, the concrete plant that you  
20 indicate that Mr. Yusuf sold pursuant to a power of  
21 attorney -- let me break that down a little better.

22                   The concrete plant that you say Mr. Yusuf  
23 sold last year, who owns the concrete plant now?

24           **A.** Concrete plant?

25                   **MR. FATHI YUSUF:** (Speaking in Arabic.)

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1                   **THE INTERPRETER:** (Speaking in Arabic.)

2                   The person he sold it to.

3           **Q. (Mr. Hodges)** You have -- you have no idea who  
4 that is?

5                   **THE INTERPRETER:** Yes, he's from our town.

6           **Q.** And what is his name?

7                   **THE INTERPRETER:** His name is Khalid.

8           **Q. (Mr. Hodges)** His full name?

9                   **THE INTERPRETER:** Khalid Abdul Hadi Rahhal.

10                   Shall I spell it for you?

11                   **THE REPORTER:** Yes.

12                   **THE INTERPRETER:** Khalid, K-H-A-L-I-D; Abdul,  
13 A-B-D-U-L; Hadi, H-A-D-I; Rahhal, R-A-H-H-A-L.

14                   **THE REPORTER:** Thank you.

15           **Q. (Mr. Hodges)** And is the gentleman that you just  
16 identified, is he your son-in-law?

17                   **THE INTERPRETER:** He is my son-in-law, and  
18 also the son of my sister.

19           **A.** My sister.

20           **Q. (Mr. Hodges)** Okay. Now, the -- all the  
21 properties that you've described over in Jordan, they're all  
22 in Jordan, or are they in -- in other places in the Middle  
23 East?

24                   **THE INTERPRETER:** Just in Jordan.

25           **Q. (Mr. Hodges)** Okay. Now, all of those properties

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1 were purchased with funds or money generated by the  
2 Plaza Extra stores, is that correct?

3 **THE INTERPRETER:** Yes.

4 **Q. (Mr. Hodges)** And is that why you equally own them  
5 with Mr. Yusuf?

6 **THE INTERPRETER:** Yes.

7 **MR. HODGES:** Okay. If you would turn to Page  
8 12 of the First Amended Complaint?

9 **THE INTERPRETER:** Okay.

10 **MR. HODGES:** And read that entire allegation  
11 to Mr. Hamed.

12 **THE INTERPRETER:** The whole -- the whole  
13 page?

14 **MR. HODGES:** The whole paragraph, just  
15 Paragraph 29.

16 **THE INTERPRETER:** Oh, okay. (Reading in  
17 Arabic.)

18 He says, Yes.

19 **Q. (Mr. Hodges)** You say yes to what? That is --  
20 that is your allegation?

21 **THE INTERPRETER:** Yes.

22 **Q. (Mr. Hodges)** Okay.

23 So, do I take it, then, that prior to  
24 August 20, 2012, you have no problem with the fairness and  
25 equality of distributions or withdrawals from the

**MOHAMMAD HAMED -- DIRECT**

1 Plaza Extra partnership?

2 **MR. HARTMANN:** Object. Mischaracterizes  
3 prior testimony. Object as to form.

4 **THE INTERPRETER:** No. He took more than me.  
5 I did not take anything.

6 **Q. (Mr. Hodges)** When you're saying, "He took more  
7 than me," you did not take anything, you're talking about  
8 the \$2.7 million mentioned in this paragraph?

9 **A.** Yeah. He took two million and seven, and I own  
10 half of it. I don't have, not even to put in my pocket in  
11 there.

12 **MR. HARTMANN:** Okay. Okay.

13 **A.** I have the Social Security, the Social Security,  
14 the one that's coming to me, the one that's coming monthly  
15 to me and my wife. We make a living of it.

16 **THE REPORTER:** Arabic.

17 **MR. HARTMANN:** Yeah. Let's wait until Greg's  
18 back.

19 **MR. HODGES:** That's for the witness.  
20 Exhibit 3.

21 **MR. HARTMANN:** May I identify it for the  
22 record?

23 **MR. HODGES:** I'd be happy for you to do that.  
24  
25

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1 (Deposition Exhibit No. 3 was  
2 marked for identification.)

3 **MR. HARTMANN:** Okay. Exhibit 3, for the  
4 record, starts with the first page Bates numbered FY004123  
5 captioned United Corporation d/b/a Plaza Extra Supermarket  
6 dated August 15th, 2002 (sic), and continues --

7 **MR. HODGES:** Well, wait a minute. It's 2012.

8 **MR. HARTMANN:** Well, I'm sorry, 2012, and  
9 continues through F -- Bates No. FY004210, with one  
10 additional -- I'm sorry -- FY02143, which is an invoice  
11 written in Arabic.

12 **MR. HODGES:** Has the document been marked?  
13 Would you please hand it to the witness?

14 **Q. (Mr. Hodges)** Mr. Hamed, have you seen this  
15 document before?

16 **A.** No.

17 **THE INTERPRETER:** No.

18 **Q. (Mr. Hodges)** You've never seen this document  
19 before?

20 **THE INTERPRETER:** No.

21 **Q. (Mr. Hodges)** It's addressed to you, is it not?

22 **THE INTERPRETER:** Yes.

23 **Q. (Mr. Hodges)** And it says it's addressed to you by  
24 and through Waleed Hamed, is that correct?

25 **MR. HARTMANN:** I -- I object as to form.



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1 It's a document, and it speaks for itself.

2 **Q. (Mr. Hodges)** So I take it, then, your son has  
3 never showed you this document?

4 **A.** Maybe. I don't -- I can't remember.

5 **Q.** This is the -- this -- this letter involves the  
6 \$2.7 million issue that's identified in Paragraph 29 of your  
7 complaint, isn't that true?

8 **THE INTERPRETER:** Yes.

9 **Q. (Mr. Hodges)** And you never asked to see any  
10 correspondence about that \$2.7 million from your son?

11 **THE INTERPRETER:** No.

12 **MR. HARTMANN:** At this point, I'm going to  
13 object on the basis of privilege and direct the witness not  
14 to answer whether he was shown it by counsel, or discussed  
15 it at any length with counsel.

16 So far you've only asked about the son.

17 **MR. HODGES:** Then what are you objecting  
18 about?

19 **MR. HARTMANN:** Because your earlier question  
20 was, had he ever seen it? Had anybody ever shown it to him?

21 **MR. HODGES:** This is a good time to take a  
22 break on that improper objection.

23 **MR. HARTMANN:** Well, I never want to stop on  
24 an improper objection. It's 11:26.

25 **THE VIDEOGRAPHER:** 11:26. Going off the

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1 record.

2 **MR. HARTMANN:** Do you want a break?

3 **MR. HODGES:** No, I don't want a break.

4 **MR. HARTMANN:** Oh.

5 **MR. HODGES:** The tape's running out. You  
6 want to put that on your little time clock?

7 **MR. HARTMANN:** We always do.

8 **MR. HODGES:** Okay.

9 **THE VIDEOGRAPHER:** Going back on record. The  
10 time is 11:27.

11 **MR. HARTMANN:** Since you asked, we're at  
12 3:50 -- three hours and fifty-five minutes.

13 **Q. (Mr. Hodges)** Mr. Hamed, I take it from your  
14 testimony that the -- the content of this letter has never  
15 been read to you?

16 **MR. HARTMANN:** Object.

17 I'm instructing the witness not to answer as  
18 to any readings of the letter to you by your attorneys, or  
19 in the presence of your attorneys for the discussions  
20 involving this case.

21 **MR. WALEED HAMED:** You need to translate  
22 that.

23 **MR. HARTMANN:** You need to translate both  
24 what he said and what I said.

25 **THE WITNESS:** Okay.

MOHAMMAD HAMED -- DIRECT

1                   **MR. HODGES:** What was his answer?

2           **A.** I follow what he say.

3           **Q. (Mr. Hodges)** Mr. Hamed, has your son or anybody  
4 in your family ever read this letter to you?

5           **A.** No.

6                   **THE INTERPRETER:** He said no.

7           **Q. (Mr. Hodges)** So you -- have you ever had this  
8 letter read to you?

9                   **MR. HARTMANN:** I object and --

10           **MR. HODGES:** That is not attorney-client  
11 privilege.

12           **MR. HARTMANN:** It certainly is.

13           **MR. HODGES:** It is not.

14           **MR. HARTMANN:** You just asked him if I read  
15 it to him.

16           **MR. HODGES:** I did not.

17           **MR. HARTMANN:** You did.

18           **MR. HODGES:** No, I --

19           **MR. HARTMANN:** Well, let me make my  
20 objection. I object to there -- to his being asked whether  
21 anybody ever read, if that person is your lawyer or anybody  
22 working for your lawyer, during consultations with regard to  
23 this case.

24           **MR. HODGES:** That is not privileged  
25 information.

MOHAMMAD HAMED -- DIRECT

1                   **MR. HARTMANN:** It is.

2                   **MR. HODGES:** It is not.

3                   **MR. HARTMANN:** Okay.

4           **Q. (Mr. Hodges)** Are you not going to answer based on  
5 the instruction from your -- or did you understand the  
6 instruction of your client, I mean, your attorney?

7           **A.** My lawyer say, no, don't answer.

8           **Q. (Mr. Hodges)** All right. But, are you -- can you,  
9 as you sit here today, are you familiar with the content of  
10 this letter?

11                   **THE INTERPRETER:** No, I don't -- I have not  
12 read it, and I'm not going to read it.

13           **Q. (Mr. Hodges)** And why aren't you going to read it?

14                   **MR. HARTMANN:** You can read it.

15                   **MR. HODGES:** Will you please be quiet? If  
16 you're not going to make a speaking objection or a regular  
17 one, do not speak to your client.

18                   **THE INTERPRETER:** Because I do not read  
19 English.

20           **Q. (Mr. Hodges)** And have you ever asked anybody to  
21 translate it for you, sir?

22                   **MR. HARTMANN:** Object. Do not answer that  
23 with regard to --

24                   Please translate this.

25                   Don't respond with that with regard to any

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1 conversations with your attorneys, or translators in the  
2 presence of your attorney.

3 **THE INTERPRETER:** Am I to translate his  
4 question and then --

5 **MR. HARTMANN:** Yes, please.

6 **THE INTERPRETER:** Okay. Your question was?

7 **Q. (Mr. Hodges)** Have you ever had this letter  
8 translated to you?

9 **A.** No.

10 **THE INTERPRETER:** No.

11 Your attorney -- (speaking in Arabic).

12 **Q. (Mr. Hodges)** So, since you've answered my  
13 question that you've never had the letter translated to you  
14 before, you've -- you've never understood the contents of  
15 this letter, is that correct?

16 **MR. HARTMANN:** Object. Mischaracterizes the  
17 prior testimony. Asked -- asked and answered.

18 **MR. HODGES:** Go ahead.

19 **THE INTERPRETER:** Yes. Yes, he's -- in other  
20 words, he hasn't read it. He hasn't been -- it hasn't been  
21 translated to him.

22 **MR. HODGES:** Okay. Then I guess we're going  
23 to have to right now.

24 **Q. (Mr. Hodges)** This is -- so this will be the first  
25 time, correct me if I'm wrong, Mr. Hamed, that if -- if --

**MOHAMMAD HAMED -- DIRECT**

1 if Mr. Yusuf translates this letter, this will be the first  
2 time that you've heard the content of this letter, is that  
3 correct?

4 **MR. HARTMANN:** Object.

5 Don't answer.

6 Object to the -- any conversations between  
7 him and his client (sic) with regard to this letter, or  
8 the -- or the attorney or his translator reading the letter  
9 to him.

10 **MR. HODGES:** I would object to you suggesting  
11 that there was a translator with you.

12 **MR. HARTMANN:** You can object to anything you  
13 want to, Greg.

14 Please translate what I just said.

15 **THE INTERPRETER:** I'm losing track here,  
16 guys.

17 **MR. HARTMANN:** Okay.

18 **THE INTERPRETER:** Help me out here, okay?

19 Because this back and forth is --

20 **MR. HARTMANN:** Yeah. You got to let me make  
21 objections.

22 **THE INTERPRETER:** Can we do one at a time?

23 **MR. HARTMANN:** Whether you agree with them or  
24 not, he's got to translate them.

25 **MR. HODGES:** Make your objection.

MOHAMMAD HAMED -- DIRECT

1                   **MR. HARTMANN:** Ask your question.

2           **Q. (Mr. Hodges)** Mr. Hamed, my question was, as we're  
3 sitting here today, if Mr. Yusuf translates this letter for  
4 you, it will be the first time it's been translated to you?

5                   **MR. HARTMANN:** Objection.

6                   **THE INTERPRETER:** All right. But don't you  
7 want me to translate?

8                   **MR. HODGES:** Yes.

9                   **MR. HARTMANN:** I don't want him to answer  
10 before he's heard the objection.

11                   **THE INTERPRETER:** Okay.

12                   **MR. HARTMANN:** The objection is, I don't want  
13 him to answer with regard to any conversations he's had with  
14 regard to this letter with me, or any translator in my  
15 presence.

16                   **THE INTERPRETER:** Okay. So we're agreeing,  
17 I'm translating his objection first, so he doesn't have to  
18 answer?

19                   **MR. HODGES:** No. No, no, no, no.

20                   **MR. HARTMANN:** Do them serially. Do his  
21 first, then do mine.

22                   **THE INTERPRETER:** Okay.

23                   **MR. HARTMANN:** Just don't take an answer  
24 before you've gotten them both out.

25                   **THE INTERPRETER:** All right.

MOHAMMAD HAMED -- DIRECT

1                   **MR. HODGES:** He answered yes?

2                   **THE INTERPRETER:** He said yes.

3                   **MR. HODGES:** Okay.

4           **Q. (Mr. Hodges)** So the -- the answer to my question,  
5 if Mr. Yusuf translates this letter to -- to -- to you this  
6 afternoon, or this morning, it will be the first time that  
7 it has been translated to you?

8                   Your answer to that question was yes, is that  
9 correct?

10                  **MR. HARTMANN:** Object. Asked and answered.  
11 Mischaracterizes prior testimony. And I again direct the  
12 witness not to answer with regard to any conversations he's  
13 had with his attorney where the attorney, or a translator in  
14 the presence of the attorney, read the letter to him.

15                  **THE INTERPRETER:** Yes.

16                  **MR. HODGES:** Okay. All right. So let's --  
17 let's translate the letter for him, Mr. Yusuf, starting with  
18 the caption, the -- at the top of the letter. Who is it  
19 from, --

20                  **THE INTERPRETER:** Okay.

21                  **MR. HODGES:** -- who is it -- the date, the  
22 delivery. I mean, let's start at the top and go down.

23                  **THE INTERPRETER:** All right. (Speaking in  
24 Arabic).

25                  **MR. HARTMANN:** Excuse me. This document is



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1 not on the version supplied to us. It's been added  
2 subsequently, the last page, and it's been Bates numbered  
3 differently than all the rest in the series.

4 So we'd object to your examining that.

5 **MR. HODGES:** You can object.

6 **Q. (Mr. Hodges)** Mr. Hamed, do you recognize the  
7 signature to the -- to the right of the "By hand delivery"  
8 that's shown on the -- the letter?

9 **THE INTERPRETER:** No.

10 **Q. (Mr. Hodges)** No? That's not your son's initials?

11 **A.** I don't know. Can't see it good.

12 **Q.** Okay. Now, this, you -- you understand the letter  
13 that just has been translated to you from Mr. Yusuf that's  
14 addressed to you dated August 15, 2012?

15 **THE INTERPRETER:** Yes.

16 **Q. (Mr. Hodges)** Okay. And do you agree or disagree  
17 with it?

18 **THE INTERPRETER:** He agrees.

19 **Q. (Mr. Hodges)** Okay. In other words, you agree  
20 that Mr. Yusuf was entitled to withdraw the \$2.7 million,  
21 approximately, that is identified?

22 **A.** I have to get it.

23 **MR. HARTMANN:** Object as to form. Object  
24 as -- as to mischaracterizing --

25 **MR. HODGES:** May I finish the question first

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1 before you object?

2 **MR. HARTMANN:** You did. He was answering.

3 **MR. HODGES:** Well, he was answering before I  
4 finished it.

5 **MR. HARTMANN:** Oh, okay. Sorry.

6 **Q. (Mr. Hodges)** Mr. Hamed, you agree with me that  
7 the amounts set forth in this letter, Mr. Yusuf was entitled  
8 to withdraw.

9 **MR. HARTMANN:** Object as to form. Object as  
10 to mischaracterization of prior testimony. Also object  
11 because it's not a question, but that's okay.

12 **THE INTERPRETER:** No.

13 **A.** No.

14 **Q. (Mr. Hodges)** Why?

15 **A.** Because I have to have my share. He get half, and  
16 I get half. Not to take two million and seven, not to  
17 take -- (speaking in Arabic). How is a partner? I'm his  
18 partner in the business.

19 **THE INTERPRETER:** Okay. Do I need to  
20 interpret this?

21 **MR. HODGES:** No, no.

22 Mr. Hamed, either you need a translator or  
23 you don't.

24 **MR. HARTMANN:** Objection. You can't instruct  
25 the witness on this. He can answer in any way he answers to

**MOHAMMAD HAMED -- DIRECT**

1 the question.

2 **Q. (Mr. Hodges)** Do you understand my questions to  
3 you in English, Mr. Hamed?

4 **A.** No.

5 **Q.** You don't?

6 **A.** He don't tell me that. You could tell me what to  
7 understand it in Arab.

8 **Q.** Mr. Hamed, you didn't understand my question just  
9 then?

10 **MR. HARTMANN:** Do you want him to respond?

11 **MR. HODGES:** Yes.

12 **MR. HARTMANN:** If he understands in English,  
13 do you want him to respond in English?

14 **MR. HODGES:** No, I want him to answer.

15 **Q. (Mr. Hodges)** Do you understand my question in  
16 English.

17 **THE INTERPRETER:** He had just previously said  
18 he would like me to interpret for him.

19 **Q. (Mr. Hodges)** Why would you like that?

20 **A.** So I can understand in Arabic, and -- and -- and I  
21 can then respond.

22 **Q.** Okay. So you're telling the court, then, that you  
23 don't understand the questions when they're put to you in  
24 English?

25 **MR. HARTMANN:** Object. Argumentative.

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1                   **THE INTERPRETER:** No.

2           **Q. (Mr. Hodges)** So you didn't understand any of the  
3 questions that were put to you at the preliminary injunction  
4 hearing on January 25 --

5                   **MR. HARTMANN:** Objection. Argumentative.

6                   **MR. HODGES:** Will you please let me finish my  
7 questions?

8                   **MR. HARTMANN:** Sure.

9           **Q. (Mr. Hodges)** Mr. Hamed, are you telling the Court  
10 that you didn't understand any of the questions that were  
11 put to you in English on January 25, 2013?

12                   **MR. HARTMANN:** And I'm going to make an  
13 objection for the record. This is a witness who's asked for  
14 and said he's more comfortable with a translator. He's  
15 tried to answer to the best he can in Arabic. Every time he  
16 starts to answer in English, you try to stop him.

17                   We've now wasted twenty minutes going back  
18 and forth about whether he understands or doesn't understand  
19 in English. If you have a question with regard to the case,  
20 you should ask the question. This going back and forth, he  
21 has a translator. Ask him through the translator. If he  
22 starts to respond in English, ask him to respond in Arabic.

23                   Thank you.

24                   **MR. HODGES:** Would you ask him the question  
25 in Arabic?

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1                   **THE INTERPRETER:** Please repeat your  
2 question.

3           **Q. (Mr. Hodges)** Mr. Hamed, are you telling the Court  
4 that you did not understand the questions put to you in  
5 English on January 25, 2013?

6                   **THE INTERPRETER:** What was the date? I'm  
7 sorry.

8                   **MR. HODGES:** January 25, 2013.

9                   **THE INTERPRETER:** No, he did not understand.

10                   **MR. HODGES:** Okay.

11           **Q. (Mr. Hodges)** Now, the letter that you have in  
12 front of you, or that is -- that is almost in front of  
13 you --

14                   **THE INTERPRETER:** Uh-huh.

15           **Q. (Mr. Hodges)** Mentions past confirmed withdrawals  
16 in the amount of \$1,600,000.

17                   Isn't that right, Mr. Hamed?

18                   **MR. HARTMANN:** Object to form.

19                   **THE INTERPRETER:** Who withdrew them?

20           **Q. (Mr. Hodges)** Past confirmed withdrawals, 1.6.

21                   I'm not answering questions, sir. You don't  
22 understand what that means?

23                   **THE INTERPRETER:** Your question was?

24           **Q. (Mr. Hodges)** You don't understand what past  
25 confirmed withdrawals of \$1,600,000 refers to?

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1                   **MR. HARTMANN:** Objection. Object, asked and  
2 answered.

3                   **THE INTERPRETER:** He says no.

4           **Q. (Mr. Hodges)** You don't recall a raid in 2001 by  
5 the FBI at the Plaza Extra stores?

6           **A.** Yes.

7           **Q.** And you don't recall that receipts were grabbed  
8 out of the safe at that time by your son, or your -- one of  
9 your sons, and one of Mr. Yusuf's sons?

10                   You don't remember that?

11                   **THE INTERPRETER:** You said receipts. You  
12 mean money?

13                   **MR. HODGES:** Yes.

14                   No, no.

15                   **THE INTERPRETER:** Just receipts, paper  
16 receipts?

17                   **MR. HODGES:** Right.

18                   **MR. HARTMANN:** Object as to form. Lacks  
19 foundation.

20           **A.** Him in charge of the safe, and I'm not in charge  
21 of safe.

22                   **MR. HARTMANN:** In Arabic.

23           **A.** (Speaking in Arabic).

24                   **THE INTERPRETER:** He says, I don't know. I  
25 am not in charge of the safe, and I -- I -- I don't know.

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1           **Q. (Mr. Hodges)** Are you telling me that your sons  
2 never told you what happened in connection with that raid in  
3 2001?

4           **MR. HARTMANN:** Object as to form. Object as  
5 to foundation.

6           **THE INTERPRETER:** No, they did not.

7           **Q. (Mr. Hodges)** They never told you anything at all  
8 about the -- the raid, is that what you're saying?

9           **MR. HARTMANN:** Object. Asked and answered.

10           **THE INTERPRETER:** They told me that they  
11 were -- that they were arrested.

12           **Q. (Mr. Hodges)** You never were told anything about  
13 the removal of receipts from the -- the safe?

14           **A.** No.

15           **MR. HARTMANN:** And I'll object, I'll make it  
16 a continuing objection. I object to any question that seeks  
17 what he was -- what he was told, if it seeks to obtain the  
18 information of what he was told in discussions with his  
19 counsel.

20                           Okay.

21           **A.** No.

22           **Q. (Mr. Hodges)** What did he say?

23           **THE INTERPRETER:** He said no. When I  
24 explained to him that his attorney objects to --

25           **MR. HARTMANN:** No, he won't discuss such a

MOHAMMAD HAMED -- DIRECT

1 question, a discussion?

2 **THE INTERPRETER:** He just said no.

3 **Q. (Mr. Hodges)** So you, the question -- my question  
4 is, did you ever have any discussion with Waleed, Waheed, or  
5 Mufeed about what happened prior to the raid in 2001?

6 **MR. HARTMANN:** Object. Asked and answered.

7 **THE INTERPRETER:** No.

8 **Q. (Mr. Hodges)** So -- and I left out Hisham. Did  
9 you ever have any discussions with him about what happened  
10 prior to the -- to the raid in 2001?

11 **THE INTERPRETER:** No.

12 **Q. (Mr. Hodges)** So I think what I understand you  
13 saying is, other than the fact that you -- you -- you found  
14 out there were some arrests, you don't know about anything  
15 that happened prior to the raid, is that what you're saying?

16 **THE INTERPRETER:** He says, I was sick at the  
17 time. He says he did not.

18 **Q. (Mr. Hodges)** What time was that?

19 **A.** I don't know what time. I can't remember.

20 **Q.** Well, you couldn't remember when you got sick  
21 earlier when I asked you the question this morning, could  
22 you?

23 **MR. HARTMANN:** Object. Object as to form.

24 **A.** No, I can't remember. (Speaking in Arabic).

25 **THE INTERPRETER:** It's been a long time.



**MOHAMMAD HAMED -- DIRECT**

1           **A.**    It's been a long time.

2                   **THE INTERPRETER:**  I've been sick a long time.

3           **A.**    I can't put my date every day.

4           **Q.**    **(Mr. Hodges)**  So how do you know that you were  
5 sick in August of -- excuse me -- in -- in 2001, when the  
6 raid took place?

7                   **THE INTERPRETER:**  When I was visiting my  
8 doctors.  How will I remember if I'm sick if I hadn't  
9 been -- you know, in other words, if I hadn't -- if I hadn't  
10 been visiting the doctor, how wouldn't I remember that?

11           **Q.**    **(Mr. Hodges)**  So you -- you -- as I understand  
12 your testimony, you remember that you were visiting your  
13 daughters -- doctors, excuse me -- visiting the doctors when  
14 the raid in 2001 occurred?  Is that --

15                   **THE INTERPRETER:**  Are you finished?

16                   **MR. HODGES:**  Yeah.

17           **A.**    No, I can't remember.  I cannot remember.

18           **Q.**    **(Mr. Hodges)**  You can't remember anything about  
19 what happened before the raid in 2001?  Anything?

20                   **MR. HARTMANN:**  Object.  Mischaracterizes the  
21 testimony.

22           **Q.**    **(Mr. Hodges)**  You're --

23           **A.**    No, I can't remember.

24           **Q.**    Okay.  So then how can you testify under oath that  
25 Mr. Yusuf is not entitled to withdraw the funds that we're

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1 talking about here, if you can't remember anything that  
2 happened before the raid of 2001?

3 **MR. HARTMANN:** Object as to form.  
4 Mischaracterizes prior testimony.

5 You can answer if you can answer.

6 **A.** No, man, when somebody is sick, you have to make  
7 his mind. And what do you want?

8 **THE INTERPRETER:** (Speaking in Arabic).

9 **A.** Okay. If I'm -- I'm sick, I was sick, I can't let  
10 my partner if I'm not there. (Speaking in Arabic). He take  
11 over, my son take over.

12 **THE INTERPRETER:** If I die, then my son will  
13 take my place.

14 **Q. (Mr. Hodges)** What do you mean, take your place as  
15 Mr. Yusuf's partner?

16 **THE INTERPRETER:** My son will take my place.

17 **Q. (Mr. Hodges)** As Mr. Yusuf's partner?

18 **A.** Yeah.

19 **THE INTERPRETER:** (Speaking in Arabic).

20 **A.** If he want him a partner, okay. He don't want  
21 him, then separate the business, and that's it. Everybody  
22 take his own and he go.

23 (Speaking in Arabic.)

24 **Q. (Mr. Hodges)** Let's go back to my question,  
25 Mr. Hamed, that you have not answered. You have not

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1 answered my question.

2 **MR. HARTMANN:** Object.

3 **Q. (Mr. Hodges)** If you can't remember anything about  
4 what happened prior to the 2001 raid, how can you say that  
5 Mr. Yusuf was not entitled to withdraw the funds set forth  
6 in Exhibit 3?

7 **MR. HARTMANN:** Object. Mischaracterizes  
8 prior testimony. Object as to the form of the question.  
9 Argumentative, asked and answered.

10 **THE INTERPRETER:** How does he have the right  
11 to withdraw, and he has a partner?

12 **A.** I'm not his partner.

13 **Q. (Mr. Hodges)** Mr. Hamed.

14 **MR. HARTMANN:** He's answering.

15 **MR. HODGES:** I don't have a question yet.

16 **A.** No, I talk with him. I'm not talking with you.  
17 I'm talking with him.

18 **MR. HARTMANN:** It's noon. Do you want to  
19 take a break for lunch?

20 **MR. HODGES:** Do you want to take a break now?  
21 No, I'd like to keep going.

22 **MR. HARTMANN:** Okay.

23 Let me put it a different way. I'd like  
24 to -- my client to take a break for lunch. He's been  
25 examined for over three hours. You only have two hours

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1 left. Do you want -- do you mind if my client takes a  
2 break?

3 **MR. HODGES:** I don't have just two hours.

4 **MR. HARTMANN:** Go to 12:30. That's five  
5 hours.

6 **MR. HODGES:** What was the last question?

7 **THE REPORTER:** "If you can't remember  
8 anything about what happened prior to the 2001 raid, how can  
9 you say that Mr. Yusuf is -- was not entitled to withdraw  
10 the funds set forth in Exhibit 3?"

11 **MR. HODGES:** Okay. And what was his answer?

12 **THE REPORTER:** There was an objection, and  
13 then he said, "How does he have the right to withdraw, and  
14 he has a partner?" Then there was some other Arabic, and  
15 "I'm not his partner."

16 **MR. HODGES:** Okay.

17 **Q. (Mr. Hodges)** Please answer my question,  
18 Mr. Hamed. You can't ask -- you can't ask me questions. I  
19 get to ask you questions, okay?

20 **THE INTERPRETER:** I -- I -- I don't want to  
21 ask you any questions.

22 **Q. (Mr. Hodges)** Okay. So if you can't remember any  
23 of the facts or circumstances that existed with respect to  
24 the -- the -- the receipts as of the raid in 2001, how can  
25 you say that Mr. Yusuf was not entitled to withdraw the 2.7?

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1           **THE INTERPRETER:** Because I am his partner.

2                           (Whereupon, there was a power failure.)

3           **THE VIDEOGRAPHER:** It shut the camera off. I  
4 do have a battery, but it did something.

5           **MR. HARTMANN:** Next time you guys decide not  
6 to take a break when I say, there's going to be bigger  
7 trouble.

8                           Do you want to be off the record?

9           **MR. HODGES:** We're not on the record, are we?

10          **THE VIDEOGRAPHER:** I never put the time.  
11 We're off the record, 11:58.

12                           (Discussion held off the record.)

13          **THE VIDEOGRAPHER:** We're back on the record  
14 at 12:00.

15          **MR. HARTMANN:** I'm sorry, what was it?

16          **THE VIDEOGRAPHER:** 12:00.

17          **MR. HARTMANN:** 12:00 even?

18          **THE VIDEOGRAPHER:** 12:00 even.

19          **MR. HARTMANN:** Thank you.

20          **MR. HODGES:** Ready?

21          **Q. (Mr. Hodges)** Mr. Hamed, has anybody ever told you  
22 that, immediately prior to the raid, your son Waheed heard  
23 something was about to happen and called your son Wally?

24                           **THE INTERPRETER:** No. No one told him.

25          **Q. (Mr. Hodges)** This is -- that -- those words

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1 coming from my mouth was the first time you heard that?

2 **THE INTERPRETER:** He said the first -- the  
3 response was no, but he also said, I had heard about the  
4 arrests of Waleed and Fathi Yusuf, and, you know, we talked  
5 about it amongst ourselves, but that's -- that's it.

6 **Q. (Mr. Hodges)** But my question is, have you come to  
7 understand, sir, that your son Waheed, immediately prior to  
8 the raid, heard that something was coming up and called your  
9 son Wally?

10 **MR. HARTMANN:** Object. Asked and answered.

11 **A.** No.

12 **Q. (Mr. Hodges)** Never heard that before?

13 **MR. HARTMANN:** Object. Asked and answered  
14 three times now.

15 **THE INTERPRETER:** No.

16 **MR. HARTMANN:** Four times.

17 **Q. (Mr. Hodges)** So you -- you never knew that Wally,  
18 Waheed, and Mike spoke about getting the receipts out of  
19 the -- the -- the safe?

20 **MR. HARTMANN:** Object. Assumes facts not in  
21 evidence. Object. Mischaracterizes prior testimony. Asked  
22 and answered.

23 **THE INTERPRETER:** No.

24 **Q. (Mr. Hodges)** Okay. And so you never heard, then,  
25 I take it, that Mike went to his safe in the west store, and

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1 Mufeed went to his safe in the east store, and that they  
2 both tallied the receipts out of their safes. You don't --  
3 you never heard that before.

4 **MR. HARTMANN:** Object. Assumes facts not in  
5 evidence. Object as to form. Asked and answered.

6 **THE INTERPRETER:** No.

7 **MR. HODGES:** Again, this is the first he's  
8 ever heard of any such thing?

9 **MR. HARTMANN:** Object. Asked and answered.

10 **THE INTERPRETER:** This -- this is the first  
11 time I hear of this. I've never -- I've never had any of  
12 this news before.

13 **Q. (Mr. Hodges)** Okay. So he's never heard that  
14 after Mufeed and Mike tallied the receipts from their  
15 respective safes and double-checked one another, that the  
16 Hameds had 2.9 million and the Yusufs had 1.3 million in  
17 receipts?

18 **THE INTERPRETER:** The Yusuf family had 1.6,  
19 you said?

20 **MR. HODGES:** 1.3.

21 **THE INTERPRETER:** 1.3?

22 **MR. HARTMANN:** Object. Asked and answered.

23 **THE INTERPRETER:** Never heard it before.

24 **Q. (Mr. Hodges)** Okay. You never heard that the --  
25 that the receipts were destroyed by either Wally or your

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1 son, Mufeed?

2 **MR. HARTMANN:** Object -- excuse me. Wait.

3 Object. Assumes facts not in evidence.

4 Object as to form. Asked and answered.

5 **THE INTERPRETER:** No.

6 **Q. (Mr. Hodges)** None of these events that I've  
7 described in my questions were ever mentioned during the  
8 mediation efforts that your family had with the Yusuf  
9 family?

10 **MR. HARTMANN:** Object as to discussion about  
11 settlements.

12 You can answer.

13 **THE INTERPRETER:** No.

14 **MR. HODGES:** Okay.

15 **MR. HARTMANN:** What did he say, the second?  
16 What was the second thing he said?

17 **THE INTERPRETER:** I've never heard.

18 **MR. HARTMANN:** Okay.

19 **MR. HODGES:** Now, take a look at the second  
20 page of Exhibit 3, Mr. Hamed, if you would? Second and  
21 third page?

22 **THE INTERPRETER:** He says, I do not see well,  
23 and he's asking me, What is this?

24 **Q. (Mr. Hodges)** Mr. Hamed, you've never seen this  
25 piece of paper before?



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1                   **MR. HARTMANN:** Object. Mischaracterizes.

2                   **THE INTERPRETER:** No.

3                   **MR. HODGES:** And he -- and he was looking at  
4 the second page of Exhibit 2?

5           **Q. (Mr. Hodges)** How about the -- the third page of  
6 Exhibit 2, have you ever seen that document before?

7           **A.** No.

8           **Q.** Do you recognize any of the signatures that appear  
9 on the left-hand side of Page 3, of Exhibit 3?

10                   **MR. HARTMANN:** What -- what page are you  
11 looking at, please? Could you give me a Bates number?

12                   **MR. HODGES:** FY4125.

13                   **THE INTERPRETER:** I'm looking at the same  
14 thing. He say he does not recognize any of them.

15           **Q. (Mr. Hodges)** You don't recognize any of your  
16 sons' initials there on the left-hand side?

17                   **MR. HARTMANN:** Object. Asked and answered.

18           **A.** I don't see it on there.

19                   **THE INTERPRETER:** He says he can't see.

20           **Q. (Mr. Hodges)** Okay. Take a look at the next page,  
21 Mr. Hamed, FY4126?

22                   **THE INTERPRETER:** Okay.

23           **Q. (Mr. Hodges)** You see those documents? Are those  
24 the receipts that we've been talking about that get issued  
25 when somebody wants some money?

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1                   **THE INTERPRETER:** Yes. Yes, these are the  
2 ones we used to sign.

3           **Q. (Mr. Hodges)** Okay. And who signed the -- the  
4 receipts that are on -- on that page that you're looking at,  
5 Page FY4126?

6                   **THE INTERPRETER:** I can't make it out.

7           **Q. (Mr. Hodges)** That doesn't look like your son  
8 Waleed's signature?

9                   **MR. HARTMANN:** Objection. Asked and  
10 answered.

11           **A.** (Speaking in Arabic.) I can't see it too good.

12                   **THE INTERPRETER:** He says, I can't see it  
13 good enough to --

14           **Q. (Mr. Hodges)** Okay. But you don't dispute, do  
15 you, sir, that these receipts reflect that Wally drew  
16 \$35,000 on a date in 1997, and that you drew \$15,000 on  
17 March -- in March of 1997?

18                   **MR. HARTMANN:** Object -- wait. Object as to  
19 form. Compound. Asked and answered. Misstates prior  
20 testimony.

21                   **THE INTERPRETER:** He says it's correct.

22           **Q. (Mr. Hodges)** Okay. And if you turn the page to  
23 FY4127, are those receipts also correct, sir?

24                   **THE INTERPRETER:** One second. He's adjusting  
25 his --

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1                   **MR. HODGES:** Okay.

2                   **THE INTERPRETER:** He says, That's my  
3 signature.

4           **Q. (Mr. Hodges)** Okay. So you -- you can see that  
5 signature, but you can't recognize the signature on the  
6 preceding page?

7                   **THE INTERPRETER:** Yeah. He says this is his  
8 signature. (Speaking in Arabic.) He says this, he can  
9 recognize, but the other one was too small.

10                   **MR. HODGES:** Okay.

11                   **THE INTERPRETER:** He can't see it.

12           **Q. (Mr. Hodges)** Mr. Hamed, there is an account that  
13 is identified on Exhibit 3, the first page of Exhibit 3.  
14 You see, if the translator would show you, the 50 percent of  
15 Cairo Amman Bank, \$44,696.

16                   You see that?

17                   **MR. HARTMANN:** Would you read that to him?

18                   **THE INTERPRETER:** He says, I see it, yes. I  
19 see the number.

20           **Q. (Mr. Hodges)** Okay. And are -- are you familiar  
21 with a account maintained at the Cairo Amman Bank in the  
22 name of Waleed Mohammad Hamed?

23           **A.** Mr. Yusuf, he tell me.

24                   **THE INTERPRETER:** (Speaking in Arabic.)

25           **A.** (Speaking in Arabic.) I said, Mr. Yusuf tell me

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1 he have account.

2 **MR. HARTMANN:** In Arabic.

3 **A.** In Arabic (Speaking in Arabic).

4 **THE INTERPRETER:** Okay. He says he's aware  
5 of it because Mr. Yusuf told him of the account.

6 **Q. (Mr. Hodges)** You were -- you never received any  
7 monies from that account?

8 **A.** No. No.

9 **THE INTERPRETER:** No.

10 **Q. (Mr. Hodges)** Okay. Take a look at the end of  
11 this exhibit.

12 **THE INTERPRETER:** I'm sorry?

13 **Q. (Mr. Hodges)** At the end of this exhibit that you  
14 have in your hands is FY2143?

15 **MR. HARTMANN:** Counsel, we've objected to  
16 your examining on the basis of this document because it was  
17 not attached to this exhibit, or these documents, when  
18 supplied in discovery.

19 **Q. (Mr. Hodges)** Okay. You can -- you can answer it,  
20 Mr. Hamed.

21 Have you ever seen this document before?

22 **MR. HARTMANN:** You can unclip it.

23 **MR. HODGES:** You can take it out. Maybe take  
24 it out. That might help.

25 **MR. HARTMANN:** Clip it.

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1                   **THE INTERPRETER:** I think it's fine.

2                   He says no.

3           **A.** I can't see this.

4           **Q. (Mr. Hodges)** So you were not aware that your son,  
5 Waleed Hamed, maintained a bank account in -- at the Cairo  
6 Amman Bank?

7                   **MR. HARTMANN:** Object. Mischaracterizes his  
8 prior testimony. He said he did.

9           **A.** I -- you just tell me. I told you, Mr. Yusuf tell  
10 me he have account. That Wally told (speaking in Arabic).

11                   I don't know whether he have account, but I  
12 told you the first time, Mr. Yusuf tell me he have account.  
13 Wally.

14                   **THE REPORTER:** Arabic, please.

15                   **THE INTERPRETER:** Yeah.

16                   He says, You've already asked me the  
17 question. I told you that I did not know, but that  
18 Mr. Yusuf had told me about it.

19           **A.** I don't know. He never take me. He never tell  
20 me.

21           **Q. (Mr. Hodges)** Okay. So your son Wally, or Waleed  
22 Hamed, never told you that he had this account --

23           **A.** No. Mr. Yusuf tell me he own accounts here.

24           **Q.** Okay. And when did Mr. Yusuf tell you that?

25           **A.** I don't know. Long time. I can't remember.

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1 Q. Okay. Back in the -- the time that you guys  
2 started having a discussion about the batch plant?

3 A. (Speaking in Arabic.) I can't remember.

4 MR. HARTMANN: When he starts responding to  
5 you, just say, In Arabic, if you can. If you remember.

6 THE INTERPRETER: I'm trying.

7 MR. HARTMANN: No, no, I know. When you  
8 finish asking him the question.

9 MR. HODGES: Okay. So --

10 THE INTERPRETER: He does not remember. I  
11 don't remember.

12 Q. (Mr. Hodges) Mr. Hamed, since you -- you only  
13 learned about this account from Mr. Yusuf, is it your  
14 testimony that you are not a signatory on this account?

15 When I say "this account," the one referred  
16 to in FY2143.

17 A. Yeah. He told me he give Mr. Yusuf (speaking in  
18 Arabic). I take it and I give it to him. (Speaking in  
19 Arabic.)

20 THE INTERPRETER: So --

21 MR. HARTMANN: Wait, let -- go ahead.

22 THE INTERPRETER: -- his response, referring  
23 to Mr. Yusuf, that Mr. Yusuf told me about this account and  
24 told me that I can withdraw from it, and I withdrew \$3,000  
25 to give to --

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1           **A.**     Two hundred.  3,200.

2                   **THE INTERPRETER:**  3,200 for a person.

3           **A.**     For Hisham, his cousin.  (Speaking in Arabic).

4                   **THE INTERPRETER:**  One of their relatives.

5           **Q.**     **(Mr. Hodges)**  So you are a signatory on this  
6 account, correct?

7                   **MR. HARTMANN:**  Object.  Asked and answered.

8                   **THE INTERPRETER:**  He says, Yes, I did.  I  
9 withdrew that amount of money.

10           **Q.**     **(Mr. Hodges)**  When was that?

11           **A.**     (Speaking in Arabic).  I can't remember now.  It's  
12 year before, year before --

13                   **THE INTERPRETER:**  He does not remember, but  
14 he recalls a conversation with Mr. Yusuf about subdividing  
15 this piece of property, and they were going to use this  
16 money, I guess, for that purpose.

17           **A.**     (Speaking in Arabic).  He tell me --

18                   **THE REPORTER:**  In Arabic.

19           **A.**     -- (speaking in Arabic) and give it to that man.

20                   **THE INTERPRETER:**  He says, I -- I did this  
21 upon his request or order to do.  He was complying with  
22 Mr. Yusuf's order to withdraw that amount of money from this  
23 account.

24           **Q.**     **(Mr. Hodges)**  Are you saying Mr. Yusuf ordered you  
25 to do it or asked you to do it?

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1           **A.**    I don't have no -- my --

2                   **THE INTERPRETER:**   Arabic.

3           **A.**    I'm sorry.  My brother-in-law tell me to --

4                   **MR. HARTMANN:**   Wait, wait, let him answer.

5           **A.**    He tell me (speaking in Arabic).

6                   **THE INTERPRETER:**   Okay.  He said, he says,  
7   you know, what order?  I mean, he didn't put a gun to my  
8   head.  He asked me to do it, and I did it.  He requested  
9   that I do it, and I did it.

10                           (Deposition Exhibit No. 4 was  
11                            marked for identification.)

12           **Q.**    **(Mr. Hodges)**   Okay.  Take a look at -- at  
13   Deposition Exhibit No. 4, please?

14                   **MR. HARTMANN:**   May I identify it for the  
15   record?

16                   **MR. HODGES:**   You may.

17                   **MR. HARTMANN:**   Thank you.

18                           It's a document entitled Waleed Hamed, Bates  
19   stamped in the lower left corner HAMD200104 dated Thursday  
20   August 16th, 2012, addressed to Fathi Yusuf, Plaza Extra  
21   Supermarket.  And it's been marked as Exhibit 4.

22                   **THE INTERPRETER:**   Do I have this?  Do I need  
23   to --

24                   **MR. HODGES:**   Yeah.

25                   **MR. HARTMANN:**   Right here.



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1 Yes, you do.

2 **MR. HODGES:** Mr. Hamed -- if you would show  
3 it to Mr. Hamed?

4 **Q. (Mr. Hodges)** Mr. Hamed, have you ever seen this  
5 document before?

6 **A.** No.

7 **THE INTERPRETER:** No.

8 **Q. (Mr. Hodges)** It didn't take you long to say no,  
9 so you're -- you're absolutely sure you've never seen this?

10 **A.** I can't remember.

11 **THE INTERPRETER:** He does not remember. He  
12 does not remember.

13 **Q. (Mr. Hodges)** Do you recognize the signature on  
14 the lower left-hand corner?

15 **THE INTERPRETER:** I do not know.

16 **MR. HARTMANN:** Is there some stipulation  
17 you'd like from us to authenticate these documents? Are  
18 you -- do you want authentication or are you asking --

19 **MR. HODGES:** No, if you're happy to  
20 authenticate it, that's fine with me. But that's not what  
21 I'm going about.

22 **MR. HARTMANN:** Oh, okay.

23 **MR. HODGES:** But thank you for the  
24 stipulation.

25 **Q. (Mr. Hodges)** Mr. Hamed, did your son Wally ever

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1 discuss his response to Mr. Yusuf's letter that is -- that  
2 we've been talking about earlier, which is Exhibit 3.

3 **MR. HARTMANN:** Wait, wait.

4 Object on the basis of privilege and direct  
5 the witness not to answer if such conversations took place  
6 in discussions with his counsel. Okay?

7 You can tell him both.

8 **THE INTERPRETER:** All right. Please repeat  
9 your question.

10 **Q. (Mr. Hodges)** Did Mr. Waleed Hamed ever discuss  
11 with you, Mr. Hamed, that he was going to respond to  
12 Mr. Yusuf's letter that is Exhibit No. 3?

13 **THE INTERPRETER:** No.

14 **Q. (Mr. Hodges)** Okay. So it's okay with you if he  
15 writes these letters in response to Mr. Yusuf without  
16 discussing the -- the matters with you?

17 **MR. HARTMANN:** Object. Mischaracterizes  
18 prior testimony.

19 **A.** Yeah.

20 **THE INTERPRETER:** He says, I --

21 **A.** He is in my place. My son.

22 **THE INTERPRETER:** He says, in other words,  
23 he's authorizing him to -- he does not object. He's given  
24 him a power of attorney to respond, and he's authorized to  
25 respond.

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1           **Q. (Mr. Hodges)** Okay. But as I understand your  
2 testimony, Mr. Hamed, you -- you were not aware of the  
3 August 15, 2012 letter, which is Exhibit 3, and you're, I  
4 believe, testifying right now that you're not aware of the  
5 August 16, 2012 response to that, is that correct?

6           **MR. HARTMANN:** Object. Mischaracterizes the  
7 prior testimony, and I once again direct the witness not to  
8 respond with regard to any knowledge that he has of the  
9 letter that came out, not as part of discussions with his  
10 attorney.

11           **THE INTERPRETER:** Please repeat the question.

12           **MR. HODGES:** You know what, I'll withdraw  
13 that.

14           **Q. (Mr. Hodges)** Mr. Hamed, were you represented by  
15 that attorney right there, or the attorney, Mr. Holt, over  
16 there, on August 16th, 2012?

17           **MR. HARTMANN:** Yes.

18           **MR. HODGES:** All right. For the record, if  
19 you -- if you answer a question that I put to your client  
20 one more time, Mr. Hartmann, there will be a motion the  
21 following day for sanctions.

22           **MR. HARTMANN:** Okay.

23           **MR. HODGES:** That's the last one I'm going to  
24 take from you.

25           **MR. HARTMANN:** Okay.

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1           **Q. (Mr. Hodges)** Were you represented by Mr. Hartmann  
2 and Mr. Holt on August 16, 2012?

3                   **THE INTERPRETER:** Yes.

4           **A.** Yeah.

5           **Q. (Mr. Hodges)** You remember that?

6                   **THE INTERPRETER:** Approximately.

7           **Q. (Mr. Hodges)** Okay. And did you have any  
8 discussions about this letter with your attorneys?

9                   **MR. HARTMANN:** Direct him not to answer that.

10                  **MR. HODGES:** That's not privileged.

11                  **MR. HARTMANN:** Sure, it is.

12                  **MR. HODGES:** How?

13                  **MR. HARTMANN:** I'm directing him not to  
14 answer what he directly -- what he directly conversed with  
15 his attorneys about.

16                  **MR. HODGES:** Whether he had discussions with  
17 you about it is not privileged. What the discussions are  
18 is.

19           **Q. (Mr. Hodges)** Mr. Hamed, did you have any  
20 discussions with any attorneys about the letter that's  
21 marked as Exhibit No. 4?

22                   **THE INTERPRETER:** He says, no, he had none.

23           **Q. (Mr. Hodges)** Okay. So this letter was simply  
24 written by your son, Waleed, on August 16, 2012, without  
25 discussing the matter with you, is that fair to say?

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1           **A.**     (Speaking in Arabic.) I give him the power of  
2 attorney and he did whatever he want.

3           **Q.**     **(Mr. Hodges)** Okay. That's -- that's your answer  
4 in English.

5                   **THE INTERPRETER:** Yes.

6           **Q.**     **(Mr. Hodges)** -- in English?

7                   Okay. So a \$2.7 million issue is one that  
8 you never bothered to inform yourself about on or around  
9 August 16th, 2012, is that what you're saying?

10           **MR. HARTMANN:** Object with regard to  
11 privilege. He's not to answer with regard to any  
12 discussions about the \$2.7 million claim he had directly  
13 with his counsel.

14                   **THE INTERPRETER:** No.

15           **MR. HODGES:** What is the answer?

16                   **THE INTERPRETER:** He said no.

17           **MR. HODGES:** No to what question?

18           **MR. HARTMANN:** To your question.

19           **MR. HODGES:** And the question was?

20                   **THE REPORTER:** I don't know (laughing).

21           **MR. HODGES:** Will you look, please?

22                   We've got thirty seconds.

23                   **THE INTERPRETER:** What was the question?

24           **THE REPORTER:** Okay. What was the date?

25           **MR. HODGES:** August 16.

MOHAMMAD HAMED -- DIRECT

1                   **THE REPORTER:** "Okay. So a \$2.7 million  
2 issue is one that you never bothered to inform yourself  
3 about on or around August 16th, 2012, is that what you're  
4 saying?"

5                   **MR. HODGES:** Okay. And the answer to that  
6 was no?

7                   **THE INTERPRETER:** The answer was no.

8                   **MR. HODGES:** Okay.

9           **Q. (Mr. Hodges)** And as I understand it, as of today,  
10 you -- you are still not aware of the facts and  
11 circumstances surrounding the \$1.6 million that's referenced  
12 in Exhibit No. 3, is that right?

13                   **MR. HARTMANN:** Object. Asked and answered.

14                   **MR. HODGES:** Show him the letter while  
15 you're --

16                   **THE INTERPRETER:** This one?

17                   **MR. HODGES:** No, the 1.6.

18                   **THE INTERPRETER:** Right.

19                   **MR. HODGES:** You want me to ask the question  
20 again?

21                   **THE INTERPRETER:** Please.

22                   **MR. HODGES:** Okay. Hold on.

23                   **THE VIDEOGRAPHER:** Going off the record,  
24 12:30.

25                   (Discussion held off the record.)

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1                   **THE VIDEOGRAPHER:** Going back on record,  
2 12:30.

3           **Q. (Mr. Hodges)** Okay. If you would point out the  
4 1.6 million on Exhibit 3? And the -- the words to the  
5 left -- left of it, Past confirmed withdrawal?

6                   Okay. So, Mr. Hamed, as -- as you're sitting  
7 here today, you are not aware of any of the facts  
8 surrounding the, quote, Past confirmed withdrawals of  
9 \$1.6 million, is that correct?

10                   **MR. HARTMANN:** Object. Asked and answered.

11                   **THE INTERPRETER:** Okay.

12                   He says no.

13                   **MR. HODGES:** Okay. I guess that's a good  
14 time to break, then.

15                   **MR. HARTMANN:** How long do you wish to break  
16 for?

17                   No, I don't want him on the record --

18                   **THE VIDEOGRAPHER:** Going --

19                   **MR. HARTMANN:** No.

20                   How long do you want to break for?

21                   **MR. FATHI YUSUF:** I don't know.

22                   **MR. HODGES:** Forty-five minutes, an hour? I  
23 don't know. What do you all need?

24                   **MR. HARTMANN:** You tell me. It's your  
25 deposition.

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1                   **MR. HODGES:** Okay. Thirty minutes.

2                   **MR. HARTMANN:** Thirty minutes? Okay.

3                   **THE VIDEOGRAPHER:** Going off the record at  
4 12:32.

5                                   (Noon recess taken.)

6                   **THE VIDEOGRAPHER:** Ready?

7                   **MR. HARTMANN:** Yep.

8                   **MR. HODGES:** Yeah.

9                   **THE VIDEOGRAPHER:** Okay. Going back on  
10 record at 1:33 p.m.

11           **Q. (Mr. Hodges)** Mr. Hamed, you realize that you are  
12 still under oath?

13                                   **THE INTERPRETER:** Yes.

14           **Q. (Mr. Hodges)** Is there property in Jordan that  
15 is -- that was purchased with partnership funds that's in  
16 your name only?

17           **A.** No.

18                                   **THE INTERPRETER:** No.

19           **Q. (Mr. Hodges)** None?

20           **A.** No.

21                                   **THE INTERPRETER:** None?

22           **A.** No.

23                                   **THE INTERPRETER:** None.

24           **A.** No.

25           **Q. (Mr. Hodges)** Would you deny that partnership



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1 funds were ever used to purchase property in Jordan in your  
2 name only?

3 **MR. HARTMANN:** Object as to form.

4 **A.** What I know, I never. No, I have -- no.  
5 (Speaking in Arabic.)

6 **THE INTERPRETER:** He's -- he's not -- in his  
7 name alone, no, he's not aware of that.

8 He's saying Mr. Yusuf is the only one who's  
9 purchased in his name only.

10 **Q. (Mr. Hodges)** And what property is that?

11 **A.** It's land. I don't know. I never see, and I  
12 don't know where. (Speaking in Arabic.)

13 **THE INTERPRETER:** He does not know.

14 **Q. (Mr. Hodges)** So it's -- it's -- it's your  
15 testimony that land wasn't purchased in your name only that  
16 Mr. Yusuf knew about?

17 **MR. HARTMANN:** Object as to form.

18 **THE INTERPRETER:** He swears on the Quran that  
19 he has -- he does not have anything in his name alone.

20 **Q. (Mr. Hodges)** That was purchased with partnership  
21 funds?

22 **THE INTERPRETER:** Yes.

23 **Q. (Mr. Hodges)** Okay. Would you agree with me,  
24 Mr. Hamed, that Plaza Extra paid rent to United Corporation  
25 for occupying the Plaza East premises from the beginning

MOHAMMAD HAMED -- DIRECT

1 until December 1993?

2 **THE INTERPRETER:** From the beginning?

3 **MR. HODGES:** '86, 1986.

4 **THE INTERPRETER:** Okay.

5 Yes.

6 **Q. (Mr. Hodges)** Okay. And that rental was based on  
7 a price per square foot that you agreed upon with Mr. Yusuf,  
8 is that correct?

9 **THE INTERPRETER:** Yes.

10 **Q. (Mr. Hodges)** Okay. And isn't it true that no  
11 rent has been paid to United since January 1, 1994 through  
12 May 4, 2004?

13 **MR. HARTMANN:** Object as to form.

14 **A.** I don't know. (Speaking in Arabic.)

15 **THE INTERPRETER:** He says, I don't know.

16 **Q. (Mr. Hodges)** You're not aware of any dispute  
17 regarding United's entitlement to rent for the ten years  
18 from January 1, 1994 to May 4, 19 -- excuse me -- 2004?

19 **THE INTERPRETER:** I am not aware, except  
20 recently I've learned that my son has told me that  
21 Mr. Fathi Yusuf is demanding rent of \$250,000 per month, and  
22 this is of recent.

23 **Q. (Mr. Hodges)** Okay. Well, I'm -- I'm talking  
24 about the price per square foot monthly rent for the period  
25 between January 1, 1994 through May 4, 2004 that was agreed

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1 upon with you.

2 **THE INTERPRETER:** In the beginning, yes, but  
3 not recent -- recently.

4 **Q. (Mr. Hodges)** I understand. But if -- if rent has  
5 not been paid on the -- the square footage basis that you  
6 agreed on with Mr. Yusuf for the period between January 1,  
7 1994 and May 4, 2004, would you agree with me that that rent  
8 should be paid to United?

9 **MR. HARTMANN:** Object. Calls for a legal  
10 conclusion.

11 **A.** Couple months ago, they --

12 **THE INTERPRETER:** Wait. Arabic.

13 **A.** I'm sorry.

14 **THE INTERPRETER:** He says he's not denying  
15 the rent, and Mr. Yusuf is the one who used to, in other  
16 words, determine the -- the rental rate, and he's the one  
17 who would collect the rent.

18 **Q. (Mr. Hodges)** But you understand that you and your  
19 son have refused to allow United to draw the funds necessary  
20 to pay the rent from January 1, 1994 to May 4, 2004,  
21 correct?

22 **THE INTERPRETER:** What about the  
23 four-and-a-half million that was paid to him?

24 **Q. (Mr. Hodges)** That's not my question.

25 **THE INTERPRETER:** Maybe --

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1           **A.**     (Speaking in Arabic).  When the rent, the one  
2 couple months -- couple years back.

3           **Q.**     **(Mr. Hodges)**  Do you know what period that  
4 payment --

5           **A.**     I don't know.

6                   **MR. HODGES:**  Can I -- go ahead.

7                   **THE INTERPRETER:**  Yeah, he's saying that --  
8 that was paid, and he mentioned an amount of four-and-a-half  
9 million prior to that.  But he's indicating that that was  
10 paid.

11           **Q.**     **(Mr. Hodges)**  So it's your position that that  
12 five -- do you recall how much was paid?

13           **A.**     Exactly number, no.

14                   **THE INTERPRETER:**  Exactly, no.

15           **Q.**     **(Mr. Hodges)**  Does the -- does the figure of  
16 \$5.4 million strike any memory chord?

17           **A.**     I don't know, it's four or five.

18                   **THE INTERPRETER:**  I do not remember the exact  
19 amount, whether it was four or five.

20           **Q.**     **(Mr. Hodges)**  Okay.  And do you -- do you know  
21 what period of time that payment covered?

22           **A.**     No.

23           **Q.**     So if it -- if it was agreed with your son, Waleed  
24 Hamed, that that \$5.4 million payment only covered the  
25 period between May 4, 2004 and December 31, 2011, you

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1 wouldn't have a problem with that?

2 **A.** I don't know.

3 **MR. HARTMANN:** Object as to form.

4 **THE INTERPRETER:** One second.

5 **MR. HARTMANN:** Assumes facts not in evidence.  
6 Mischaracterizes -- excuse me, I'm sorry.

7 Object as to form. Mischaracterizes prior  
8 testimony.

9 **THE INTERPRETER:** Do you mind repeating the  
10 question?

11 **Q. (Mr. Hodges)** So if -- if -- and we'll show you  
12 some documents here in a minute, Mr. Hamed, but if your son,  
13 Waleed Hamed, agreed that the rent for May 4, 2004 to  
14 December 31, 2011 was \$5,408,806, and he --

15 **THE INTERPRETER:** What was the number?

16 **MR. HODGES:** \$5,408,806.

17 **Q. (Mr. Hodges)** -- and that a -- that a check for  
18 that amount was actually paid, you wouldn't dispute that,  
19 what period that 5.4 million covered, would you?

20 **MR. HARTMANN:** Same objections.

21 **THE INTERPRETER:** You mind repeating the  
22 question, please?

23 **MR. HODGES:** Yeah, I'll do that. I'm sorry.

24 **Q. (Mr. Hodges)** Are you aware that your son, Waleed  
25 Hamed, signed a check on February 7, 2012 for \$5,488,806 for

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1 the payment of rent?

2 **MR. HARTMANN:** Object. Asked and answered.

3 If you've got the document, --

4 **THE INTERPRETER:** Yes.

5 **MR. HARTMANN:** -- perhaps you could show it  
6 to him?

7 **THE INTERPRETER:** Yes, he says he's aware.

8 **Q. (Mr. Hodges)** Okay. And are you aware that that  
9 payment covered the period from May 4, 2004 to December 31,  
10 2011?

11 **MR. HARTMANN:** Object. Asked and answered.  
12 Also assumes evidence not of record.

13 **A.** I'm not keeping to know how much. (Speaking in  
14 Arabic.)

15 **THE INTERPRETER:** No, he's not -- he's not  
16 aware. He does not know.

17 **MR. HODGES:** If you could hold that?

18 **MR. HARTMANN:** Is this Exhibit 5?

19 **MR. HODGES:** Yes.

20 **THE INTERPRETER:** This one says 8.

21 **MR. HARTMANN:** Yeah, it's got to be marked by  
22 her.

23 Do you mind if I identify it for the record?

24 **MR. HODGES:** I would be pleased for you to do  
25 that.

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1                   **THE REPORTER:** Do you want me to put this tag  
2 over the top?

3                   **MR. HODGES:** No.

4                   **THE REPORTER:** Okay.

5                   **THE INTERPRETER:** Okay. Exhibit 5 is a  
6 document that already has an exhibit sticker on the lower  
7 right-hand corner labeled Exhibit 8. Bears Bates  
8 number below that is JA-1006.

9                   The first line in it is, United Corporation  
10 d/b/a Plaza Extra Tutu Park Store Sales, and it proceeds by  
11 serial Bates numbers through JA-1022.

12                   That's Exhibit No. 5.

13                   (Deposition Exhibit No. 5 was  
14 marked for identification.)

15                   **Q. (Mr. Hodges)** Mr. Hamed, take -- take a look at  
16 the last page on Exhibit No. 5, and tell me if you recognize  
17 your son's signature?

18                   **MR. HARTMANN:** Just for record, this is  
19 marked Exhibit 9 in the lower right-hand corner from some  
20 other exhibit in another deposition.

21                   **A.** I don't know.

22                   **THE INTERPRETER:** Yes, approximately. I  
23 don't know.

24                   **MR. HODGES:** He can't identify his son's  
25 signature.

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1           **A.**    Not exactly.  (Speaking in Arabic.)

2                   **THE INTERPRETER:**  He says, I can't see it  
3 precisely.

4                   **MR. HARTMANN:**  We'll stipulate that it's  
5 Wally Hamed's signature.

6                   **MR. HODGES:**  Okay.

7           **Q.**    **(Mr. Hodges)**  Do you recognize any other  
8 signatures on that, on that document?

9                   **THE INTERPRETER:**  Here?

10                   **MR. HODGES:**  Yes.  Yes.

11           **A.**    No.

12           **Q.**    **(Mr. Hodges)**  Okay.  Can we stipulate that the --  
13 the last page of Exhibit No. 5 is a check dated February 7,  
14 2012 in the amount of \$5,408 -- excuse me -- \$5,408,806.74?

15                   **MR. HARTMANN:**  The document is what it is.

16                   **MR. HODGES:**  Okay.

17           **Q.**    **(Mr. Hodges)**  Mr. Hamed --

18                   **MR. HODGES:**  If you would translate this  
19 document for him.  Let him see what it is.

20                   **THE INTERPRETER:**  The check?

21                   **MR. HODGES:**  The check.

22                   **THE INTERPRETER:**  I have translated.

23                   **MR. HODGES:**  Okay.

24           **A.**    (Speaking in Arabic.)

25                   **THE INTERPRETER:**  I don't know.



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1                   **MR. HARTMANN:** There's no question.

2           **Q. (Mr. Hodges)** Do you understand how rent was paid  
3 for the period between 2004 and 2011 with respect to the  
4 Plaza Extra East premises?

5                   **MR. HARTMANN:** Object as to form. Misstates  
6 the prior testimony and the evidence.

7                   **MR. HODGES:** Go ahead.

8                   **THE INTERPRETER:** He says, No one -- no one  
9 told him.

10           **Q. (Mr. Hodges)** You have no understanding of how  
11 rent is calculated for the Plaza Extra East premises for  
12 May 2004 to December 2011?

13                   **MR. HARTMANN:** Object to the form of the  
14 question. Mischaracterizes earlier testimony.

15                   **THE INTERPRETER:** Should I go ahead?

16                   **MR. HARTMANN:** Yes, you can go ahead.

17                   **MR. HODGES:** Please.

18                   **THE INTERPRETER:** He -- I do not know how  
19 much.

20           **Q. (Mr. Hodges)** Okay. If you look at the first page  
21 of Exhibit No. 5, down at the bottom --

22                   **MR. HODGES:** If you'll -- if you'll translate  
23 to him?

24                   **THE INTERPRETER:** Yes.

25                   **MR. HODGES:** Underneath the -- the bold "Sion

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1 Farm Sales."

2 **THE INTERPRETER:** Okay.

3 **MR. HODGES:** It says, Sion Farm Sales  
4 5/5/2004 to 12/31/2011?

5 **THE INTERPRETER:** Yes.

6 **MR. HODGES:** Would you translate that to him,  
7 and ask him if he sees it?

8 **THE INTERPRETER:** Is there anything else? I  
9 translated that part.

10 **MR. HODGES:** For -- for -- the date, May 5,  
11 2004 to 12/31 --

12 **THE INTERPRETER:** Yes, I've explained that to  
13 him.

14 **MR. HODGES:** Okay. And then at the end, at  
15 the bottom of the page, it says, Calculated rent as a  
16 percentage of sales, Sion Farm, \$5,408,806.74?

17 **THE INTERPRETER:** He says, I don't know. I  
18 don't know anything about it.

19 **MR. HARTMANN:** And -- and I object as to  
20 form. There's no foundation for this document.

21 **Q. (Mr. Hodges)** The -- the -- the period that this  
22 calculation covers, Mr. Hamed, is -- is May 5, 2004 to  
23 December 31, 2011, isn't that right, if you look at the --  
24 underneath the store sales?

25 **MR. HARTMANN:** I object to form. Calls for

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1 speculation. Also mischaracterizes prior --

2 **THE INTERPRETER:** I asked him if -- if you  
3 see this, and I translated it, and he said, Yes, I see it.

4 **MR. HODGES:** Okay. And he -- he sees that  
5 the figure at the bottom, \$5,408,806.74, is the same as the  
6 number on the check?

7 **THE INTERPRETER:** He says, In other words, it  
8 speaks for itself. This is what it is. It is what it is.

9 **MR. HODGES:** Okay. So would he agree with me  
10 that the \$5,408,806.74 was paid for the rent due from May 5,  
11 2004 to December 31, 2011?

12 **MR. HARTMANN:** Object. Asked and answered.  
13 Mischaracterizes the prior evidence, and is -- oh, calls for  
14 speculation. I'm sorry.

15 **MR. HODGES:** He can answer that.

16 **THE INTERPRETER:** Okay. Repeat your  
17 question.

18 **MR. HODGES:** Yeah, I would note for the  
19 record that these repeated, ridiculous -- in this case, he  
20 couldn't even remember one of the multiple objections he  
21 has, is -- is taking an extraordinary amount of time,  
22 requiring questions to be repeated, clearly calculated to  
23 waste time, and I would object to counsel continuing to make  
24 these frivolous objections.

25 **MR. HARTMANN:** Counsel, you've attached a

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1 document to another document that are totally unrelated.

2 **MR. HODGES:** That's for a judge to determine,  
3 isn't it?

4 **MR. HARTMANN:** No, no, no, I'm going to make  
5 objections because you've attached two documents to each  
6 other. He said he doesn't know what the first one is, and  
7 you're asking him if the first one doesn't result in the  
8 last one.

9 **MR. HODGES:** And this is a speaking  
10 objection -- is this a speaking objection?

11 **MR. HARTMANN:** No, it isn't.

12 **MR. HODGES:** Yeah, it is.

13 **MR. HARTMANN:** No, you -- you just entered a  
14 colloquy with me. I'm responding to your colloquy. Here's  
15 my answer to your colloquy. When I have an objection, I'll  
16 make it. You go ahead and question. You've attached two  
17 documents that don't relate to each other. Now you're  
18 questioning him.

19 Go ahead.

20 **Q. (Mr. Hodges)** Mr. Hamed, is it -- is it not true,  
21 based on these documents, that the rent check that your son  
22 issued on February 7, 2012 for 5.4 million is the -- is for  
23 the period from May 5, 2004 to December 31, 2011?

24 **MR. HARTMANN:** Object to the form of the  
25 question. Mischaracterizes earlier testimony. Asked and

**MOHAMMAD HAMED -- DIRECT**

1 answered. Calls for a legal conclusion.

2 **A.** I don't know. (Speaking in Arabic.)

3 I don't see it. I don't look at it.

4 **Q.** (**Mr. Hodges**) Your answer -- your answer is, you  
5 don't know?

6 **A.** I don't know. I don't check it. I don't see it.

7 **Q.** Okay.

8 **A.** Because I hear from my son, he say, We pay  
9 Mr. Yusuf the rent for the one that's past.

10 **Q.** Did -- did -- did your son tell you that rent had  
11 been paid for the period --

12 **A.** We pay, yeah.

13 **Q.** Wait a minute.

14 **A.** That's what he told me.

15 **Q.** Did your son tell you that rent had been paid by  
16 Plaza Extra for the period from January 1, 1994 through  
17 May 4, 2004?

18 **MR. HARTMANN:** Object. Asked and answered.

19 **THE INTERPRETER:** He did not tell me things.  
20 He told me we paid such and such.

21 **Q.** (**Mr. Hodges**) If -- if it -- if it -- if rent was  
22 not paid from January 1, 1994 through May 4, 2004, would you  
23 agree that rent should be paid?

24 **MR. HARTMANN:** Object. Asked and answered.

25 **THE INTERPRETER:** It should be paid.

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1           **Q. (Mr. Hodges)** Okay. Regardless of how long it  
2 took to make a demand for payment?

3           **MR. HARTMANN:** Object. Calls for a legal  
4 conclusion.

5           **THE INTERPRETER:** He says, If it hasn't been  
6 paid, it should be paid. And he's never -- he's never  
7 objected to it being paid. Mr. Yusuf is the one who used to  
8 decide whether to collect rent or not collect rent.

9           **Q. (Mr. Hodges)** Okay. Has your son given you any  
10 reason for not paying the rent for the period from  
11 January 1, 1994 through May 4, 2004?

12           **MR. HARTMANN:** Object. Mischaracterizes  
13 prior evidence. Object to form, calls for speculation.  
14 Object. Assumes facts not in evidence.

15                           Go ahead.

16           **THE INTERPRETER:** He did not tell me.

17           **Q. (Mr. Hodges)** But you would agree with me, sir,  
18 that it would not be fair to occupy somebody's property  
19 without paying rent?

20           **MR. HARTMANN:** Object. Asked and answered.  
21 Calls for speculation.

22           **THE INTERPRETER:** We do not have anything,  
23 any location, but the supermarket. They pay half, and we  
24 pay half.

25           **MR. HODGES:** My question is, would, in his

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1 mind, would it be fair for the -- the supermarket to occupy  
2 the premises at Plaza Extra East for more than ten years  
3 without paying the rent that was agreed upon with Mr. Yusuf?

4 **MR. HARTMANN:** Object. Calls for  
5 speculation. Object to form. Asked and answered.

6 **THE INTERPRETER:** The first response is no.  
7 In other words, it's not fair, but this was controlled by  
8 Mr. Yusuf. I never objected to the payments of rent. I --  
9 I -- (shrugs shoulders). In other words, he did not object  
10 and he understood that Mr. Yusuf could -- could charge for  
11 the rent and collect the rent.

12 **MR. HODGES:** Okay.

13 **THE INTERPRETER:** This is tougher than I  
14 thought.

15 **MR. HARTMANN:** Excuse me. Could we go off  
16 the record? Could we go off the record?

17 **A.** (Speaking in Arabic.)

18 (Discussion held off the record.)

19 **THE VIDEOGRAPHER:** Going off the record at  
20 2:03.

21 (Respite.)

22 **THE VIDEOGRAPHER:** Going back on record at  
23 2:05.

24 **Q. (Mr. Hodges)** Mr. Hamed, did there come a time  
25 that Mr. Yusuf gave notice to you that he wanted the -- the

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1 premises back at Plaza Extra East, or United wanted the  
2 premises back?

3 **MR. HARTMANN:** Are you going to introduce 5?

4 **MR. HODGES:** I'm considering it.

5 **THE INTERPRETER:** All right.

6 **MR. HODGES:** What did he say?

7 **THE INTERPRETER:** His response is, Get back  
8 what location? There's only one store.

9 **Q. (Mr. Hodges)** Well, there's -- there's three  
10 stores that Plaza Extra owns, isn't that correct?

11 **THE INTERPRETER:** No.

12 **Q. (Mr. Hodges)** Who owns --

13 **THE INTERPRETER:** It's -- it's only one store  
14 with a warehouse and showroom.

15 **Q. (Mr. Hodges)** So you don't claim any partnership  
16 interest in the business that's run at Plaza Extra Tutu  
17 Park, or Plaza Extra West?

18 **THE INTERPRETER:** Yeah, I'm -- I'm a partner  
19 in the three.

20 **Q. (Mr. Hodges)** Okay. So there's three stores, and  
21 my question is, isn't it true that United Corporation gave  
22 you notice that it wanted the premises back that Plaza Extra  
23 East occupies in September of 2010?

24 **THE INTERPRETER:** September 2000 --

25 **MR. HODGES:** During the month of



**MOHAMMAD HAMED -- DIRECT**

1 September 2010?

2 **THE INTERPRETER:** How can -- how can he get  
3 it back when it belongs to both of us?

4 **A.** We have partner. We don't have no (inaudible)  
5 partner.

6 **THE INTERPRETER:** Arabic.

7 We are both partners in it. How can he get  
8 it back?

9 **Q. (Mr. Hodges)** The premises that Plaza Extra  
10 Supermarket occupies at Plaza Extra East are owned by United  
11 Corporation.

12 Do you agree with that, Mr. Hamed?

13 **THE INTERPRETER:** He says, It -- it's owned  
14 both by Fathi Yusuf and Mohammad Hamed, the land and the  
15 building.

16 He's referring to the supermarket.

17 **MR. HODGES:** He's saying that the land and  
18 the building is owned by --

19 **A.** Plaza Extra. And it still, I'm alive, Mr. Yusuf  
20 buy it from the guy, he's a Crucian, he was senator, Puerto  
21 Rican. They buy land from the --

22 **THE REPORTER:** Do it in Arabic, please.

23 **THE INTERPRETER:** It's -- he's -- his  
24 response is confusing. I mean, I -- I can't --

25 **Q. (Mr. Hodges)** Are you confusing Plaza West with

**MOHAMMAD HAMED -- DIRECT**

1 Plaza East, Mr. Hamed?

2 **A.** Yeah, Fathi Yusuf, his own. I don't have nothing  
3 to do with the property.

4 **MR. HODGES:** Okay.

5 **THE INTERPRETER:** Okay.

6 **Q. (Mr. Hodges)** And that's why Plaza East always  
7 paid rent.

8 **A.** No.

9 **THE INTERPRETER:** I mean, he's going back to  
10 say, The land --

11 **MR. FATHI YUSUF:** Can I say one word?

12 **MR. HODGES:** NO.

13 **MR. FATHI YUSUF:** Can you identify the Sion  
14 Farm --

15 **MR. HODGES:** No, no. No, no.

16 **THE INTERPRETER:** Your lawyer. Your lawyer.

17 **Q. (Mr. Hodges)** Okay. The Plaza store that is at  
18 Sion Farm St. Croix, that is the one that is owned by  
19 Mr. Yusuf's corporation, United, isn't that correct? It's  
20 the land and the building.

21 **A.** Yeah, yeah.

22 **THE INTERPRETER:** No. He says no.

23 **A.** Yeah.

24 **MR. DEWOOD:** I thought he said yes.

25 **THE INTERPRETER:** Yes?

MOHAMMAD HAMED -- DIRECT

1 Okay. I heard "la," which means no.

2 He's saying, Yes, it is.

3 Q. (Mr. Hodges) Okay. So you agree with me, I just  
4 want to.

5 THE INTERPRETER: He says, I'm not denying  
6 what he owns. I -- I -- I -- I will never deny that. I  
7 just want my rights.

8 MR. HODGES: Okay.

9 Q. (Mr. Hodges) The rent that Plaza East or Sion  
10 Farm paid to United over the years is because United owns  
11 that property, not Plaza East, isn't that right?

12 THE INTERPRETER: Yes.

13 Q. (Mr. Hodges) Okay. Now, if -- do you know  
14 whether rent has been paid by Plaza East to United since  
15 December 31, 2012?

16 A. No.

17 THE INTERPRETER: No.

18 Q. (Mr. Hodges) If rent has not been paid by  
19 Plaza Extra East since December 31, 2011, would you agree  
20 that that's not right?

21 MR. HARTMANN: Object as to form. Object to  
22 calling for a legal conclusion.

23 THE INTERPRETER: If we owe it, then it  
24 should be paid.

25 Q. (Mr. Hodges) You would agree with me, it's not

**MOHAMMAD HAMED -- DIRECT**

1 fair to occupy somebody's property as a tenant without  
2 paying rent?

3 **MR. HARTMANN:** Object. It's calling for a  
4 legal conclusion. Object as to form.

5 **THE INTERPRETER:** I've -- I've already  
6 responded yes.

7 **Q. (Mr. Hodges)** Okay.

8 **A.** How many times do you want I repeat it?

9 **Q.** Now, you testified earlier that you were in charge  
10 of the warehouse at -- at Plaza East, right?

11 **THE INTERPRETER:** He said, I was in charge of  
12 the receiving at the warehouse.

13 He told me -- and I understand it to refer to  
14 Mr. Fathi Yusuf -- He told me I should control this area,  
15 guard this -- this receiving area, and I will guard the  
16 front, the office.

17 **Q. (Mr. Hodges)** Okay. And when you retired in 1996,  
18 Mr. Hamed, were -- were those responsibilities of yours  
19 turned over to your son Wally?

20 **MR. HARTMANN:** Object. Mischaracterizes  
21 previous testimony.

22 **A.** I give him power of attorney for that.

23 **THE INTERPRETER:** He says, Yes, I gave him  
24 power of attorney for that.

25 **A.** He is my place.

## MOHAMMAD HAMED -- DIRECT

1           **Q. (Mr. Hodges)** Okay. So do I understand it that --  
2 where was Waleed working at the time, which store?

3                   **THE INTERPRETER:** In Sion Farm.

4                   He said he was in Sion Farm, and he also  
5 would go to St. Thomas along with his brother Waheed on a  
6 daily basis until the construction was finished.

7           **Q. (Mr. Hodges)** Okay. But your son Waleed didn't  
8 take over your actual duties, being responsible for  
9 receiving at the warehouse, did he?

10           **A.** No.

11           **Q.** He was actually a -- a store manager, isn't that  
12 right?

13           **A.** (Speaking in Arabic). Mr. Yusuf the one, he put  
14 him.

15                   **THE INTERPRETER:** Yes, Mr. Yusuf is the one  
16 who put him in.

17           **Q. (Mr. Hodges)** And when you retired in 1996, what  
18 was your title?

19                   Did you have a title?

20                   **MR. HARTMANN:** Object. Mischaracterizes  
21 prior testimony.

22                   **THE INTERPRETER:** He said, What title? I'm  
23 half owner.

24                   **MR. HODGES:** Understand. His job title --

25           **A.** No job. I don't have to take care of job.

## MOHAMMAD HAMED -- DIRECT

1 Q. But you received a paycheck from United --

2 A. Yeah.

3 Q. -- every -- every pay period?

4 MR. HARTMANN: Object.

5 A. Yeah.

6 MR. HARTMANN: Mischaracterizes his prior  
7 testimony.

8 A. Before that time, yes, I received \$289 check.

9 Q. (Mr. Hodges) How -- how often?

10 MR. HARTMANN: Do you -- do you want him to  
11 answer in Arabic? You're --

12 A. How often? I don't know how many times.

13 Q. (Mr. Hodges) Every two weeks, every month?  
14 You'd --

15 A. Every month, --

16 Q. Every month.

17 A. -- every week, I got check.

18 MR. HARTMANN: Wait. Let him ask you the  
19 question in Arabic.

20 THE WITNESS: Yes, sir.

21 THE INTERPRETER: Please ask your question.

22 Q. (Mr. Hodges) How often did you get your paycheck  
23 from United Corporation?

24 THE INTERPRETER: Every week.

25 Q. (Mr. Hodges) Okay. And it was \$289?

MOHAMMAD HAMED -- DIRECT

1           **A.**    Yeah.

2           **Q.**    Okay.

3                   **THE INTERPRETER:**  Yes.  \$289.

4           **A.**    Eighty-nine dollars, not \$99.

5                   **THE INTERPRETER:**  No, \$289.  Yes.

6           **Q.**    **(Mr. Hodges)**  And that -- that -- was that the  
7 salary you got at the time you retired in 1996, that's the  
8 pay that you got?

9                   **MR. HARTMANN:**  Objection.  Mischaracterizes  
10 prior testimony.

11                   **THE INTERPRETER:**  Okay.  That's what I used  
12 to receive the -- that's what I used to get, and -- and the  
13 balance I would get in cash.  Same applied to Mr. Yusuf.  He  
14 would get the same as I would get.

15                   **MR. HODGES:**  Okay.  They both got a paycheck  
16 from United, and they both split the profits from the  
17 Plaza Extra stores, is that correct?

18                   **MR. HARTMANN:**  Object.  Mischaracterizes his  
19 prior testimony.  Also objection as to form.

20                   **THE INTERPRETER:**  Yes.

21           **Q.**    **(Mr. Hodges)**  Before you retired, how would you  
22 describe Wally's job duties at Plaza Extra stores?

23                   **MR. HARTMANN:**  Object.  Mischaracterizes  
24 prior testimony.

25           **A.**    He was the top one.  (Speaking in Arabic).  I

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1 don't know what happened.

2 **THE INTERPRETER:** He was -- he was the top  
3 one. He worked so hard that sometimes we would come and he  
4 would be asleep in a chair at the store, and -- referring to  
5 Mr. Yusuf -- and they would both say, Let him rest. I -- I  
6 don't know what happened. He -- you know, they were close,  
7 and now they're enemies. I don't understand.

8 **Q. (Mr. Hodges)** So was --

9 **THE INTERPRETER:** Excuse me.

10 **MR. FATHI YUSUF:** May I say something?

11 **MR. HODGES:** No.

12 **MR. FATHI YUSUF:** He missed something. He  
13 say --

14 **MR. HARTMANN:** No.

15 **MR. HODGES:** No, no, no.

16 **MR. FATHI YUSUF:** You missed something in the  
17 translation.

18 **Q. (Mr. Hodges)** So what I -- I just want to  
19 understand what Waleed's job duties were at the time you  
20 retired.

21 **MR. HARTMANN:** Object as to mischaracterizing  
22 prior testimony.

23 **A.** He order the stuff; the produce, the meat, the  
24 grocery. (Speaking in Arabic.) Everything.

25 **THE INTERPRETER:** He used to do all the



## MOHAMMAD HAMED -- DIRECT

1 orders, the purchasing.

2 **A.** The soda you need.

3 **Q.** (Mr. Hodges) Okay. At Plaza Extra East?

4 **A.** Plaza Extra Sion Farm, Wally, not east.

5 **THE INTERPRETER:** Yes.

6 **MR. HODGES:** Is he distinguishing between  
7 Plaza Extra East and Sion Farm?

8 **THE INTERPRETER:** He's referring to the --  
9 he's referring to the original store, Plaza East.

10 **MR. HODGES:** Okay. Okay. So when I refer to  
11 Plaza Extra East, he will understand that I'm -- I'm  
12 referring to the original store that's in Sion Farm.

13 **A.** It's in Sion Farm, yeah.

14 **Q.** (Mr. Hodges) Okay. Would it be fair to say that  
15 you understand that Mr. Yusuf has been demanding the return  
16 of the -- of the premises occupied by Plaza Extra East, but  
17 your son has refused to -- to -- to turn over possession?

18 Is that fair?

19 **MR. HARTMANN:** Object as to form.

20 **THE INTERPRETER:** He's asking me, What is he  
21 going to do with the store? So I'm going to repeat the  
22 question, if that's what you want me to do.

23 **Q.** (Mr. Hodges) Repeat the question. The question  
24 is --

25 **THE INTERPRETER:** He says, The location, a

**MOHAMMAD HAMED -- DIRECT**

1 store was built upon this location.

2 **A.** They want the land? You wanted the land, or you  
3 want to break the building?

4 **THE INTERPRETER:** He's saying, What is he  
5 going to do? Is he going to demolish the building? Is he  
6 going to retrieve the land? He's asking these questions.

7 **Q. (Mr. Hodges)** Mr. Hamed, it -- that's -- the --  
8 your question, you're not allowed to ask questions to me. I  
9 get to ask questions to you. But are you -- are you  
10 questioning the right of an owner to do what it wants to  
11 with its property?

12 **A.** I'm renter.

13 **Q.** Right.

14 **A.** I'm pay rent.

15 **Q.** But you're not paying rent.

16 **A.** I pay rent. Why I'm not, shouldn't pay no rent?

17 **Q.** Can you -- can you prove that you paid rent since  
18 December 31, --

19 **A.** I broke. He's get 5 million-something.

20 **Q.** But that covered a period --

21 **A.** That's what we owe him. And I told him, Take  
22 monthly the rent. And he don't take. He keep the money, he  
23 keep the money, till they got him paid.

24 **Q.** So why don't -- why you --

25 **A.** I tell him, take it, monthly, the rent. I don't

## MOHAMMAD HAMED -- DIRECT

1 like to owe nobody.

2 Q. Okay. Well, why does your son not allow the rent  
3 to be paid?

4 MR. HARTMANN: Object. Mischaracterizes  
5 prior --

6 A. My son, he --

7 MR. HARTMANN: Wait, wait, wait, wait, wait.  
8 Object as to form. No foundation.

9 Mischaracterizes prior testimony, and assumes facts not in  
10 evidence.

11 A. Who tell you my son, he don't want to pay?

12 Q. (Mr. Hodges) Why has your son not allowed the  
13 rent to be paid?

14 A. No. It's my son? He lie to me.

15 MR. HARTMANN: Yeah, we got to get back into  
16 the translation here.

17 Wait, wait, wait.

18 A. When somebody give you 5 million-a-half, --

19 MR. HARTMANN: Stop.

20 A. -- he not pay?

21 MR. HARTMANN: Stop for a minute.

22 THE INTERPRETER: Question?

23 MR. HODGES: Yes.

24 Q. (Mr. Hodges) If -- I'm not asking you to agree  
25 with me, but let's say the 5.4 million that was paid in

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1 February only covered the period between May 4 -- or, excuse  
2 me -- May 2004 and December 2011, okay?

3 **A.** Okay.

4 **Q.** And no rent's been paid since December -- excuse  
5 me -- from January 1, 2012, to today. Would you not agree  
6 that Mr. Yusuf and United Corporation are entitled to that  
7 rent immediately?

8 **MR. HARTMANN:** Object. Calls for a legal  
9 conclusion.

10 **A.** It was \$5 million.

11 **THE INTERPRETER:** Your -- was your question  
12 if it's not -- if it's there or not?

13 **MR. HODGES:** No.

14 **A.** He can't give me this question five times.

15 **MR. HODGES:** If he hasn't paid the rent --

16 **A.** And every five minutes, he tell me, You agree.

17 I agree, man, I told you, take it monthly. I  
18 don't want to owe no one.

19 **Q. (Mr. Hodges)** All right. So you're saying, then,  
20 that you agree with me that if there is --

21 **A.** That I agree with you? I tell you the first one,  
22 I don't like to owe nobody.

23 **Q.** Well, then tell me why your son is --

24 **A.** Why my son? My son, what he did to you?

25 **Q.** No. Why does your son not allow the rent to be

MOHAMMAD HAMED -- DIRECT

1 paid?

2 **A.** No.

3 **MR. HARTMANN:** Object. Wait, wait, wait.

4 Object. Argumentative. Assumes facts not in  
5 evidence. Misstates prior testimony, and form.

6 **Q. (Mr. Hodges)** Why does your son not allow the rent  
7 to be paid?

8 **A.** Because Mr. Yusuf have 2 million and seven  
9 (speaking in Arabic).

10 **THE INTERPRETER:** He says -- he says, Because  
11 he's taken 2.7 million. He made reference to some other  
12 amount, which I -- I -- about a sale of a condominium  
13 building.

14 In other words, he's saying -- and I'm  
15 paraphrasing at this point -- that he's left with no money,  
16 they're left with no money. They are six, seven families,  
17 and they have no money to spend.

18 **A.** Why?

19 **MR. HARTMANN:** Take it easy. You want a  
20 drink of water?

21 **THE WITNESS:** No I don't want.

22 **MR. HARTMANN:** No water? Okay.

23 **Q. (Mr. Hodges)** So, Mr. Hamed, while saying that you  
24 don't -- you agree that if rent has been paid, it should be  
25 paid, I believe if I understand your testimony correctly --

## MOHAMMAD HAMED -- DIRECT

1           **A.**    Yeah, and he should pay me too.

2           **Q.**    **(Mr. Hodges)**  What should he pay you?

3           **A.**    Pay me half.  The one I -- I -- he talking, he  
4 have to give me half of it.

5           **Q.**    But you, just a while ago, when we were going over  
6 that \$2.7 million, you said you didn't know anything about  
7 it, did you?

8                   **MR. HARTMANN:**  Object.  Argumentative.  
9 It's --

10          **Q.**    **(Mr. Hodges)**  You said you didn't know anything  
11 about the 2.7.

12                   **MR. HARTMANN:**  Object.  Argumentative.  Form.

13          **A.**    Who tell you I don't know nothing about it?

14          **Q.**    **(Mr. Hodges)**  Then why --

15          **A.**    I told you, he took 2 million by seven.  Okay, why  
16 he says 2 million by seven, and I don't get nothing to feed  
17 my family.  Why?  You tell me.  You's a lawyer.

18                   **MR. HARTMANN:**  That was lawyer.  Lawyer, not  
19 liar.

20          **A.**    That shame to take the money from your partner,  
21 and you keep your partner, and he don't have nothing.  Why?

22          **Q.**    **(Mr. Hodges)**  You don't have -- you don't have  
23 nothing?

24          **A.**    You put me -- you put me, I t'ief 2 million.  I'm  
25 not t'ief.  I'm not t'ief.  I'm not t'ief.  I'm an honest

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1 person, I'm not t'ief you. Twenty-five years I working like  
2 a horse (inaudible) with my children. I never do no  
3 mistake, especially for you, and for your family, and for  
4 your kids. You take this half, you took what you want, and  
5 you keep me with nothing. Why?

6 **MR. HARTMANN:** Do you mind if we take a break  
7 for a couple minutes?

8 **A.** Why?

9 **MR. HODGES:** We're going to need to take a  
10 break anyway for the video.

11 **MR. HARTMANN:** Okay.

12 **MS. JAPINGA:** Time?

13 **THE VIDEOGRAPHER:** The time is 2:32. Going  
14 off record.

15 (Short recess taken.)

16 **THE VIDEOGRAPHER:** Going back on the record.  
17 The time is 2:41.

18 (Deposition Exhibit No. 6 was  
19 marked for identification.)

20 **MR. HARTMANN:** Can I identify 6 while you're  
21 doing that?

22 **MR. HODGES:** Hmm?

23 **MR. HARTMANN:** Can I identify 6 for the  
24 record while you're doing that?

25 **MR. HODGES:** If that would please you.

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1                   **MR. HARTMANN:** Okay. Exhibit 6 is a document  
2 marked in the lower right-hand corner with a sticker that  
3 says Exhibit 7, with Bates No. FY004000 continuing through  
4 FY004003. It's a -- appears to be a fax with a header date  
5 01/27/2012 at 2:45. It's a letter titled United  
6 Corporation -- sent from United Corporation on January 12th,  
7 2012 to Mr. Mohammad Hamed.

8                   It's Exhibit No. 6.

9                   **Q. (Mr. Hodges)** Mr. Hamed, as I understood your --  
10 your last testimony, your -- you don't have a problem with  
11 not paying rent to United because of a dispute over  
12 \$2.7 million, is -- is that fair to say?

13                   **THE INTERPRETER:** I'm sorry. I -- I missed  
14 part of your question.

15                   **Q. (Mr. Hodges)** The question is, isn't it true that  
16 your -- you just testified that you don't have a problem  
17 with withholding rent to United Corporation because of a  
18 dispute over \$2.7 million that we've talked about earlier?

19                   **THE INTERPRETER:** Yes.

20                   **Q. (Mr. Hodges)** And as I understand your testimony  
21 earlier, you don't really know the facts about the dispute  
22 over the 2.7 million, isn't that fair to say?

23                   **MR. HARTMANN:** Object. Asked and answered.

24                   **THE INTERPRETER:** He -- that would be  
25 correct, he does not have all of the information.



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1           **Q. (Mr. Hodges)** Okay. In fact, your son Waleed has  
2 never explained the -- the facts to you, has he?

3           **MR. HARTMANN:** Object. Asked and answered.

4           **THE INTERPRETER:** Yes.

5           **Q. (Mr. Hodges)** Okay.

6           **THE INTERPRETER:** "La," meaning he did not.  
7 He did not, is the way I understand it.

8           **MR. DEWOOD:** Did not what?

9           **MR. HODGES:** He did not explain it.

10          **Q. (Mr. Hodges)** Mr. Hamed, given the 25-plus years  
11 that your -- you and Mr. Yusuf have -- have worked together  
12 in the store, why haven't you taken the time to make sure  
13 you understand what the facts are with respect to this  
14 \$2.7 million dispute?

15          **MR. HARTMANN:** Object as to form. Object,  
16 argumentative.

17          **A.** (Speaking in Arabic.) Work, work, work, work, day  
18 and night.

19          **THE INTERPRETER:** Okay. I can only translate  
20 or interpret what he said.

21                 He's saying -- he said that they come from  
22 the same area, they are farmers, and that, you know, he was  
23 responsible for bringing them here. When they arrived here,  
24 they came to his home. He welcomed them, and -- and helped  
25 them out, and -- and over the years, he established a

**MOHAMMAD HAMED -- DIRECT**

1 business, a grocery business, and when he made some money,  
2 there came a time when -- when Mr. Fathi Yusuf was going to  
3 build a shopping center. It's a long story, and that, you  
4 know, most of their time has been working, working, and  
5 there's really -- there hasn't been a time that they could  
6 sit and talk.

7 **Q. (Mr. Hodges)** In the past two years, isn't that  
8 right?

9 **A.** (Speaking in Arabic.) Okay. Go ahead.

10 **THE INTERPRETER:** He said, I begged him to  
11 sit and -- and -- and -- so we can finish this, and in  
12 Jordan, we -- we -- we, in my house, we met, and I was  
13 giving him -- (speaking in Arabic).

14 He asked for two pieces of --

15 **A.** Just one I want.

16 **THE INTERPRETER:** -- he had asked for two  
17 pieces of property in Jordan. He told him, I'd sign for --  
18 for them, no problem. Later, he came -- meaning Mr. Fathi  
19 Yusuf -- and told him, You've kicked me in my stomach. It's  
20 a term of, in other words, he was willing to accept, as I  
21 understand, one piece of property instead of two. (Speaking  
22 in Arabic.)

23 Next day, he came back and asked for the  
24 other piece of property.

25 **Q. (Mr. Hodges)** But my question, Mr. Hamed, is that

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1 given your -- the long relationship between your  
2 families, --

3 **A.** Yeah.

4 **Q.** -- before you filed a lawsuit and started this big  
5 fight that's been going on and on, why didn't you take the  
6 time to understand the facts about the -- the dispute over  
7 \$2.7 million?

8 **MR. HARTMANN:** Object. Asked and answered.

9 **THE INTERPRETER:** He says, I have no -- no  
10 answer. In other words, we -- we -- we did not sit together  
11 to discuss it.

12 **A.** (Speaking in Arabic.) He got two million point  
13 seven, and I don't got nothing. I have big family.

14 **THE INTERPRETER:** Arabic, Arabic.

15 **A.** I have a lot of support, the people, my brother  
16 die, who his family, and I am solely (inaudible), and you go  
17 and you take care of yourself, and you leave me with  
18 nothing? That's not fair.

19 **THE INTERPRETER:** Do I need to translate  
20 this?

21 **MR. HODGES:** No.

22 Could I have this marked as, I believe we're  
23 up to Exhibit 7.

24

25

**MOHAMMAD HAMED -- DIRECT**

1 (Deposition Exhibit No. 7 was  
2 marked for identification.)

3 **MR. HARTMANN:** Exhibit 7 is a document  
4 entitled General Durable Power of Attorney. In the lower  
5 left-hand corner, it's Bates stamped HAMD592235. It's a  
6 two -- two-page document ending in HAMD592236, and that's  
7 Exhibit No. --

8 **MS. JAPINGA:** Seven.

9 **MR. HARTMANN:** -- 7.

10 **THE INTERPRETER:** Okay.

11 **Q. (Mr. Hodges)** Mr. Hamed, do you recognize your  
12 signa -- signature there?

13 **THE INTERPRETER:** Yes.

14 **Q. (Mr. Hodges)** Okay. It's right above your name,  
15 which your first name of which is misspelled, is that  
16 correct?

17 **THE INTERPRETER:** He says it's wrong. The  
18 spelling is wrong.

19 **Q. (Mr. Hodges)** Okay. What was the purpose --

20 **A.** M-O-H-A-M-M-A-D, Mohammad. It missing A.

21 **THE INTERPRETER:** He says, It's missing an A.

22 **Q. (Mr. Hodges)** Okay. Mr. Hamed, what was the  
23 purpose of this power of attorney?

24 **MR. HARTMANN:** Do you need him to read him  
25 the power of attorney?

MOHAMMAD HAMED -- DIRECT

1                   **MR. HODGES:** If he knows, I didn't --

2           **A.** He says, I do not know.

3           **Q. (Mr. Hodges)** You don't know the purpose of the  
4 power of attorney?

5                   **MR. HARTMANN:** He can't read English.

6           **Q. (Mr. Hodges)** You don't know the purpose of this  
7 document?

8                   **MR. HARTMANN:** I'd ask to have it translated  
9 for him.

10                   **THE INTERPRETER:** No. He says he does not  
11 know. If the attorney did it, I -- I do not know.

12           **Q. (Mr. Hodges)** Okay. You signed it under oath on  
13 March 29 --

14                   **MR. HARTMANN:** Will you not allow it to be  
15 translated?

16                   **MR. HODGES:** There's no need to.

17                   **MR. HARTMANN:** Okay.

18                   **MR. HODGES:** You produced it.

19                   **MR. HARTMANN:** That's fine.

20           **Q. (Mr. Hodges)** Mr. Hamed, you signed it on the 29th  
21 of 19th -- March 29, 1996, is that correct?

22                   **THE INTERPRETER:** He says, This is my  
23 signature, yes. I do not deny it.

24           **Q. (Mr. Hodges)** Do you recall giving your son,  
25 Waleed Hamed, a power of attorney around the time you

**MOHAMMAD HAMED -- DIRECT**

1 retired?

2 **MR. HARTMANN:** Object. Mischaracterizes the  
3 prior testimony.

4 **THE INTERPRETER:** He says, I don't know. I  
5 don't remember.

6 **Q. (Mr. Hodges)** Okay. You don't -- do you not  
7 recall signing any documents giving your son, Waleed Hamed,  
8 a power of attorney to -- to act on your behalf?

9 **THE INTERPRETER:** He says yes.

10 **Q. (Mr. Hodges)** Okay.

11 **A.** Yeah.

12 **Q.** Would that have been done around the time that you  
13 retired and returned to Jordan?

14 **MR. HARTMANN:** Object. Mischaracterizes the  
15 prior testimony.

16 **A.** When?

17 **THE INTERPRETER:** (Speaking in Arabic.)

18 **A.** I don't know. I can't remember.

19 **THE INTERPRETER:** He says he does not know.

20 **Q. (Mr. Hodges)** Okay. Do you know if anybody has  
21 ever translated this document for you?

22 **THE INTERPRETER:** No.

23 **Q. (Mr. Hodges)** Okay. Then why did you sign it?

24 **A.** Because it's my son. He tell me (speaking in  
25 Arabic).

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1                   **THE INTERPRETER:** He says, Because it's my  
2 son. He told me to sign it, and I signed it.

3           **Q. (Mr. Hodges)** Okay. Do you sign any document that  
4 your son gives you and asks you to sign?

5                   **THE INTERPRETER:** If he tells me to sign it,  
6 I will sign it.

7                               (Deposition Exhibit No. 8 was  
8 marked for identification.)

9           **MR. HODGES:** Okay. This would be 8.

10           **MR. HARTMANN:** Exhibit 8 is a document  
11 entitled General Power of Attorney with Durable Provision.  
12 In the lower left-hand corner, it's Bates stamped  
13 HAMD592398. It continues for four pages, ends on Page  
14 HAMD592401.

15                               And that is Exhibit No. 8.

16           **MR. HODGES:** For the record, there is  
17 handwriting of mine on Bates 92400 that I will acknowledge  
18 should not be there, but that's not the purpose of the --

19           **MR. HARTMANN:** Lower right corner, side?

20           **MR. HODGES:** Yes.

21           **MR. HARTMANN:** Do you mind if I cross that  
22 out?

23           **MR. HODGES:** I don't mind, no.

24           **MR. HARTMANN:** Would you cross that out, too,  
25 on the main exhibit?

MOHAMMAD HAMED -- DIRECT

1                   **THE INTERPRETER:** Where is it (handing  
2 document to counsel)?

3                   **MR. HARTMANN:** Yeah. (Indicating).

4                   **MR. HODGES:** Okay. If you would show  
5 Mr. Hamed the third page of this document?

6                   **THE INTERPRETER:** Okay.

7                   **Q. (Mr. Hodges)** Mr. Hamed, do you recognize your  
8 signature there in the lower right-hand corner?

9                   **THE INTERPRETER:** Yes.

10                  **Q. (Mr. Hodges)** Do you recognize any of the  
11 signatures of the witnesses that are to the left of your  
12 signature?

13                  **A.** No. No.

14                  **THE INTERPRETER:** No.

15                  **Q. (Mr. Hodges)** Do you know what the purpose of this  
16 document is?

17                  **MR. HARTMANN:** Will you allow it to be  
18 translated for him?

19                  **THE INTERPRETER:** (Speaking in Arabic.)

20                  No.

21                  **MR. HARTMANN:** I object -- then I object to  
22 form.

23                  **THE INTERPRETER:** He says, No one read it to  
24 him.

25                  **MR. HODGES:** Okay. Did anybody ever



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1 translate this document for him?

2 **MR. HARTMANN:** Object as to form.

3 **A.** No.

4 **Q. (Mr. Hodges)** Again, I would ask, if you didn't  
5 read it or no one ever translated it to you, why did you  
6 sign it?

7 **A.** My son, he tell me (speaking in Arabic).

8 **THE INTERPRETER:** My son told me to sign it,  
9 and I signed it.

10 **MR. HODGES:** Okay. Thank you.

11 **Q. (Mr. Hodges)** As I understand, Mr. Hamed, you  
12 don't understand any of the content of Exhibit No. 8, is  
13 that correct?

14 **MR. HARTMANN:** Object. Mischaracterizes.  
15 You won't let it be translated to him. How can he  
16 understand it? He does not speak English.

17 **MR. HODGES:** Will you answer my question?

18 **MS. JAPINGA:** Read.

19 **MR. HARTMANN:** He does not read English.

20 **THE INTERPRETER:** That's correct. He does  
21 not understand.

22 **MR. HODGES:** Okay.

23

24

25

**MOHAMMAD HAMED -- DIRECT**

1 (Deposition Exhibit No. 9 was  
2 marked for identification.)

3 **MR. HARTMANN:** Exhibit No. 9 is a document  
4 entitled General Durable Power of Attorney given by Mohammad  
5 Hamed as principal. In the lower left-hand corner, it has  
6 Bates Stamp HAMD592432. Continues in continuous serial  
7 Bates numbers to the last page, which is HMD -- HAMD592443.

8 And it's Exhibit No. 9.

9 **Q. (Mr. Hodges)** Mr. Hamed, if you would turn to the  
10 second-to-the-last page of this document, and tell me if you  
11 recognize any -- recognize your signature there?

12 **THE INTERPRETER:** Yes.

13 **Q. (Mr. Hodges)** That is your signature?

14 **THE INTERPRETER:** Yes.

15 **Q. (Mr. Hodges)** Do you recognize any of the  
16 signatures of the witnesses to this document?

17 **A.** No.

18 **THE INTERPRETER:** No.

19 **Q. (Mr. Hodges)** Do you know what the purpose of this  
20 document is?

21 **MR. HARTMANN:** I ask that you have the  
22 document translated. The witness doesn't read English, as  
23 we've established.

24 Object as to form.

25 **THE INTERPRETER:** No.

MOHAMMAD HAMED -- DIRECT

1           **Q. (Mr. Hodges)** Has anybody ever translated this  
2 document for you?

3                   **MR. HARTMANN:** Object as to form.

4                   **THE INTERPRETER:** No.

5           **Q. (Mr. Hodges)** Again, like the previous two  
6 documents, if you didn't understand what was in the document  
7 and no one ever translated it for you, why did you sign it?

8           **A.** My son, when he tell me to sign it, I sign it.

9           **Q.** Mr. Hamed, did you authorize your son to file this  
10 lawsuit against Mr. Yusuf and United Corporation?

11           **A.** Yes.

12           **Q.** You authorized him to do it?

13           **A.** Yeah.

14                   **MR. HARTMANN:** Object. Asked and answered.

15           **Q. (Mr. Hodges)** Why?

16                   **MR. HARTMANN:** Object. Object. Invades the  
17 privilege between attorney and client.

18           **Q. (Mr. Hodges)** Why did you authorize your son to  
19 file this lawsuit?

20                   **MR. HARTMANN:** Don't answer the question with  
21 regard to any discussions you had with your lawyer.

22                   Please translate that.

23                   **THE INTERPRETER:** I can --

24                   **MR. HODGES:** Yes.

25           **Q. (Mr. Hodges)** Answer the question. Go ahead.

## MOHAMMAD HAMED -- DIRECT

1                   **THE INTERPRETER:** He says he -- he begged  
2 Mr. Fathi Yusuf for them to find a way to settle this.  
3 And -- and Mr. Fathi Yusuf accused him of stealing  
4 \$2 million. He told Mr. Fathi Yusuf --

5           **A.** (Speaking in Arabic.)

6                   **THE INTERPRETER:** One second.

7           **A.** (Speaking in Arabic.)

8                   **THE INTERPRETER:** Okay. Hold on a second.

9                   **THE WITNESS:** Okay.

10                   **THE INTERPRETER:** And he -- he offered --

11           **A.** (Speaking in Arabic continuously.)

12                   **MR. HODGES:** Could -- can we break this up?

13           **A.** (Speaking in Arabic continuously.)

14                   **MR. HODGES:** May we have an intermediate --

15                   **THE INTERPRETER:** It's hard. I mean, it's --

16           **A.** (Speaking in Arabic continuously.)

17                   **THE INTERPRETER:** Okay. The question was,  
18 why did he allow this to go to court, correct?

19                   **MR. HODGES:** Yes.

20                   **THE INTERPRETER:** He -- and I'll do my best  
21 to remember everything, and I'll try to relate what he --  
22 what he said.

23                   He says he -- he pleaded with Mr. Fathi Yusuf  
24 not to let this get bigger and get -- go to court; that in  
25 the process of trying to settle this, Mr. Fathi had asked

**MOHAMMAD HAMED -- DIRECT**

1 for two pieces of property. He had agreed to that.  
2 Mr. Fathi had then said one is enough, and then again  
3 changed his mind and said, No, he wants the two. And I  
4 understood that then he also asked for a third piece of  
5 property. That there was a back and forth trying to find a  
6 way to -- to reach settlement, and that he says he's been  
7 accused by Mr. Fathi of stealing, he and his son.

8 He says, I have not stolen. My son has not  
9 stolen. We are honorable people. We have -- we go back a  
10 long ways. We have family, in the sense of, you know,  
11 they're related. They have sons -- some of his sons are  
12 married to Mr. Fathi Yusuf's daughters. They've been  
13 involved in business. It's been -- it's been a long time.  
14 He feels saddened by the, you know, the turn of events and  
15 how this has come to this point.

16 That after his meetings with Mr. Fathi, his  
17 sons approached him and asked what happened. He explained  
18 what happened. His sons told them that the only way that  
19 this is going to be resolved is through court, and that's  
20 the only way that they feel would -- this -- this can be  
21 settled between them.

22 And I think -- I think that pretty much  
23 summarizes, you know. If anybody -- I mean, it's impossible  
24 to -- it's emotional, he's emotional about it. That's the  
25 best, really, I can do. If someone feels I've missed

MOHAMMAD HAMED -- DIRECT

1 anything, I'm happy to be reminded.

2 Q. (Mr. Hodges) Mr. Hamed, who pays for all of the  
3 legal expenses in connection with your cases involving the  
4 Yusuf family?

5 A. I don't know.

6 Q. You don't know?

7 A. No.

8 Q. Okay. So you don't pay for any of the expenses?

9 A. I don't know. My sons, they don't tell me.

10 Q. Okay. So you have no idea how -- whether or how  
11 the legal expenses are being paid?

12 THE INTERPRETER: He says, I have not paid  
13 not a -- a -- not a penny. I don't know.

14 Q. (Mr. Hodges) Okay. Mr. Hamed, do you know what  
15 the source of the \$351,900 in cash for the injunction bond  
16 in this case is?

17 THE INTERPRETER: Three hundred fifty --

18 MR. HODGES: 51,900.

19 A. I don't know.

20 THE INTERPRETER: I don't know.

21 Q. (Mr. Hodges) You're familiar with the criminal  
22 proceedings that have taken place involving United  
23 Corporation, Mr. Yusuf, and his son and your sons, are you  
24 not?

25 A. No. What criminal case?

**MOHAMMAD HAMED -- DIRECT**

1           **Q.**    You're not aware of the criminal case that was  
2           filed against United Corporation, Mr. Yusuf, his son  
3           Maher Yusuf, Waleed Yusuf, Waheed Yusuf -- excuse me --  
4           Waleed Hamed and Waheed Hamed?

5                   **MR. HARTMANN:**   Object as to form.

6           **A.**    (Speaking in Arabic.)   What mean that?

7                   **THE INTERPRETER:**   What -- what criminal case  
8           are you referring to?   Can you explain, he says.

9           **Q.**    **(Mr. Hodges)**   Are you aware of a federal, United  
10          States federal case against United Corporation and its  
11          officer and shareholder, Mr. Yusuf, and the managers of  
12          Plaza Extra?

13                   **THE INTERPRETER:**   Okay.   Right.

14                   **MR. HARTMANN:**   Greg?   Greg?   Your witness has  
15          answered.

16                   **THE INTERPRETER:**   He says, Yes, I'm aware.   I  
17          knew -- I knew -- I know of it.

18           **Q.**    **(Mr. Hodges)**   Okay.   And your awareness is through  
19          your sons, is that not correct?

20                   **THE INTERPRETER:**   Yes.

21           **Q.**    **(Mr. Hodges)**   Okay.   Who -- who provides you with  
22          information about the criminal case?

23                   **MR. HARTMANN:**   Object.   No.   Object to the  
24          extent that it calls for any discussions with his attorney.

25                                   In other words, he isn't to discuss any

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1 discussions about the criminal case that he's had with his  
2 lawyer. Okay?

3 **THE INTERPRETER:** Okay.

4 **MR. HARTMANN:** Tell him that first.

5 **THE INTERPRETER:** (Speaking in Arabic.)

6 **MR. HODGES:** No. Ask my question first, and  
7 then you can say his objection.

8 **THE INTERPRETER:** Okay.

9 He says, There's no appointed person  
10 responsible for relaying information. It could be any --  
11 any one of them.

12 **MR. HODGES:** Okay. But does he feel like  
13 he's well informed of the status and progress of the case  
14 over the last ten years?

15 **THE INTERPRETER:** No.

16 **MR. HODGES:** He understands, though, that the  
17 criminal case involves the operation of Plaza Extra  
18 Supermarket stores?

19 **MR. HARTMANN:** Object as to form.

20 There's no pending question.

21 **MR. HODGES:** That's what I'd call a leading  
22 question.

23 **MR. HARTMANN:** It wasn't in the form of a  
24 question.

25 **MR. HODGES:** He can answer it.



MOHAMMAD HAMED -- DIRECT

1                   **THE INTERPRETER:** I'm sorry. Repeat the  
2 question.

3                   **MR. HODGES:** Will you repeat the question?

4                   **THE REPORTER:** "He understands, though, that  
5 the criminal case involves the operation of Plaza Extra  
6 Supermarket stores?"

7                   **THE INTERPRETER:** He says, Well, it's -- it  
8 involves the owners.

9                   **Q. (Mr. Hodges)** The owners of the Plaza Extra  
10 Supermarket stores?

11                   **A.** Yeah. He's -- he is my place. If I'm gone, he  
12 going to be in my place.

13                   **THE INTERPRETER:** Okay. I don't need to  
14 translate that.

15                   **Q. (Mr. Hodges)** So -- so you're saying that your son  
16 Wally was -- stood in your place when he was indicted by  
17 the -- the -- the federal government?

18                   **THE INTERPRETER:** Yes. Yes, of course.

19                   **Q. (Mr. Hodges)** Okay. Is there any reason why you  
20 didn't appear during the ten-year course of that criminal  
21 litigation and say, I'm Mr. Yusuf's partner? I'm really the  
22 co-owner of Plaza Extra stores?

23                   **MR. HARTMANN:** Object as to form. Also,  
24 assumes -- no, object as to form. I'm sorry.

25                   **THE INTERPRETER:** I was not here.

MOHAMMAD HAMED -- DIRECT

1 Q. (Mr. Hodges) Well, you could have gotten on a  
2 plane and come back over here, couldn't you?

3 MR. HARTMANN: Object. Argumentative.

4 THE INTERPRETER: I was sick. I was  
5 bedridden in Florida at the Mayo Clinic, and I had a  
6 surgery.

7 A. Two operation.

8 THE INTERPRETER: Two -- two operations.

9 Q. (Mr. Hodges) For over a ten-year period?

10 MR. HARTMANN: Object. Argumentative.

11 THE INTERPRETER: He says, No, not for the  
12 ten years. That I've had all of this.

13 Q. (Mr. Hodges) Okay. But there was nothing that --  
14 that, as far as the -- the world knows that would prevent  
15 you from coming and claiming at any time during that  
16 ten-year period that you were really Mr. Yusuf's partner?

17 MR. HARTMANN: Object as to form. Object,  
18 argumentative. Assumes facts not in evidence, and -- let's  
19 see, what else? Requires him to draw a legal conclusion.

20 THE INTERPRETER: He says if it weren't for  
21 my condition, I would have come, but I could not come.

22 Q. (Mr. Hodges) But I thought I understood from your  
23 testimony earlier today that you came back periodically and  
24 went to the store, and did some work, and looked around,  
25 and, you know, tried to be useful.

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1                   **MR. HARTMANN:** Object as to form.

2 Argumentative.

3                   **THE INTERPRETER:** Yes.

4           **A.** Yeah.

5           **Q. (Mr. Hodges)** So during one of those many trips, I  
6 don't know, were there many trips between -- during that  
7 ten-year period?

8           **A.** I'm a old man. If I go for two weeks --

9                   **MR. HARTMANN:** In Arabic.

10           **A.** If I go and -- (speaking in Arabic.) I stay with  
11 them a month, and I go.

12                   **THE INTERPRETER:** He says, I -- I would  
13 travel, spend about a month there with my parents, and go  
14 back and forth frequently.

15           **Q. (Mr. Hodges)** When you say "back and forth," you  
16 mean back and forth from Jordan and the Virgin Islands?

17                   **THE INTERPRETER:** My parents were alive.

18           **A.** Not dead.

19                   **THE INTERPRETER:** His parents were alive in  
20 the West Bank. He would visit them there, spend a month, go  
21 to Jordan, and then come here.

22           **Q. (Mr. Hodges)** Okay. And that would be fairly  
23 often during that ten-year period?

24                   **THE INTERPRETER:** Every year, I would -- I  
25 would visit. This is before they passed away.

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1           **A.**    Before they die.

2           **Q.**    **(Mr. Hodges)**  Okay.  Well, during one of those  
3 trips down to the Virgin Islands, why didn't you go down to  
4 the --

5           **A.**    It's old.  My father, he live to hundred years.  
6 My mother, 98.

7           **Q.**    When did they die?

8           **A.**    In 2'05.

9           **Q.**    Okay.

10                   **THE INTERPRETER:**  2'05; 2005.

11           **Q.**    **(Mr. Hodges)**  Is there some reason why, during one  
12 of the trips down here to the Virgin Islands, that you  
13 didn't go to the District Court or to the --

14           **A.**    No.

15           **Q.**    -- or the U.S. Attorney's Office and say, you  
16 know, you know, I'm a partner of Mr. Yusuf's in Plaza Extra,  
17 not my son?

18                   **THE INTERPRETER:**  He said --

19           **MR. HARTMANN:**  Object.  Object.  Calls for a  
20 legal conclusion.  Also asked and answered.  Also form of  
21 the question.

22                   **THE INTERPRETER:**  He says, I did not do so.

23           **Q.**    **(Mr. Hodges)**  Why?

24           **MR. HARTMANN:**  Object.  Asked and answered.

25           **A.**    For what I go?  Nobody asked for me.  Nobody tell

**MOHAMMAD HAMED -- DIRECT**

1 me, You're under arrest. Nobody tell me, You do mistake,  
2 and I keep in -- in my house.

3 **Q. (Mr. Hodges)** Okay. What monies, if any, did you  
4 receive from the Plaza Extra operations during the ten-plus  
5 years that the criminal case has been going on?

6 **A.** I don't know.

7 **THE INTERPRETER:** I don't know.

8 **Q. (Mr. Hodges)** You have no idea?

9 **A.** (Witness shakes head). Nothing. How am I operate  
10 ten years ago, with a old man, I'm 79 years old. I can't  
11 remember.

12 **Q.** So are -- are you denying receiving any  
13 distributions from the partnership since the criminal case  
14 has been filed?

15 **THE INTERPRETER:** I did not receive, I did  
16 not sign, and I don't remember.

17 **Q. (Mr. Hodges)** Well, you remember not receiving any  
18 money and not signing for any money, is that what you're  
19 saying?

20 **A.** I do not remember.

21 **Q.** What bank accounts do you currently have anywhere  
22 in the world, Mr. Hamed?

23 **THE INTERPRETER:** My account is with God.

24 **A.** With God.

25 **Q. (Mr. Hodges)** Are you telling the court that you

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1 do not currently have any bank or brokerage accounts?

2 **A.** I have an account in America. I have -- it's in  
3 Popular. My Social Security coming to Popular.

4 **THE INTERPRETER:** Four hundred -- \$452 from  
5 Social Security. He has a bank account with Banco Popular  
6 in America.

7 **Q.** Where in America?

8 **A.** Where? Virgin Islands.

9 **THE INTERPRETER:** In the Virgin Islands.

10 **Q.** (**Mr. Hodges**) Is that the only bank account that  
11 you currently have?

12 **A.** Nova Scotia. Nova Scotia. I don't know how much  
13 in it, since it was in town. And up to now, I don't know  
14 how much I have.

15 **THE INTERPRETER:** I have an account with Bank  
16 of Nova Scotia. I don't know how much is in that account.  
17 It's an old account in --

18 **A.** Since I coming to this island.

19 **MR. HARTMANN:** In Arabic.

20 **A.** Been forty years.

21 **THE INTERPRETER:** In the Christiansted bank.

22 **A.** (Speaking in Arabic.)

23 **THE INTERPRETER:** More than forty years.

24 **Q.** (**Mr. Hodges**) Okay. Are those two accounts the  
25 only accounts that you have anywhere in the world?

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1                   **THE INTERPRETER:** No, that's it. Those  
2 are -- those are the only two.

3           **Q. (Mr. Hodges)** Have you closed any accounts  
4 anywhere in the world in the last ten years?

5                   **THE INTERPRETER:** I have swore upon the  
6 Quran, and I will swear upon --

7           **A.** We have in West Bank.

8                   **THE INTERPRETER:** And I've -- and I'll swear  
9 upon any numbers of Quran, that I am not a thief, I have not  
10 stolen, and I do not have any other accounts anywhere in the  
11 world.

12           **A.** In West Bank. (Speaking in Arabic.)

13                   **THE INTERPRETER:** I have an account in  
14 (speaking in Arabic) the Arab bank, the Arab bank located in  
15 Nablus. He has an account there.

16           **Q. (Mr. Hodges)** Okay. So these three accounts that  
17 you just identified are the only accounts that you have  
18 anywhere in the world?

19                   **THE INTERPRETER:** He asked if you want to  
20 know anywhere in the world. I said yes. He said, In  
21 Jordan, the Arab bank in Jordan.

22                   **MR. HODGES:** Okay. Well, then I'll ask this  
23 question.

24           **Q. (Mr. Hodges)** Are there -- you've identified four  
25 accounts so far.

## MOHAMMAD HAMED -- DIRECT

1 Do you have any other accounts --

2 **A.** No.

3 **Q.** -- anywhere in the world?

4 **A.** No. No. (Speaking in Arabic.)

5 **THE INTERPRETER:** Just those four. He  
6 repeated them, the Arab bank in Nablus, the Arab bank in  
7 Jordan, the Bank of Nova Scotia on Company Street in  
8 Christiansted, and Banco Popular in Sunny Isle.

9 These are the four. There are no others. He  
10 can check --

11 **A.** Anywhere you go.

12 **Q.** (Mr. Hodges) You're sure about that?

13 **A.** Whatever you find --

14 **THE INTERPRETER:** He says, if you find any in  
15 his name, they're yours.

16 **Q.** (Mr. Hodges) And are these -- have these  
17 accounts, these four accounts, have they been in existence  
18 for a -- a -- a long time?

19 **THE INTERPRETER:** Okay. Well, he had  
20 mentioned Scotiabank was when he had first gotten here.  
21 It's more than forty years. The bank --

22 **A.** Up to now, I have -- I own maybe 10,000.

23 **THE INTERPRETER:** The one in the West Bank in  
24 Nablus is about ten years. Give or take a year, like the  
25 one in Jordan.



MOHAMMAD HAMED -- DIRECT

1           **Q. (Mr. Hodges)** Okay. So about ten years?

2           **A.** I don't live in Jordan. I used to work in Kuwait,  
3 and after I going back to visit Kuwait, I had in Jordan  
4 (speaking in Arabic).

5                       **THE INTERPRETER:** I -- I not used to live in  
6 Jordan, so after I left Kuwait, and -- and -- I opened the  
7 account in Jordan.

8                       **MR. HODGES:** Okay.

9                       **THE VIDEOGRAPHER:** Going off the record,  
10 3:36.

11   (Respite.)

12                       **THE VIDEOGRAPHER:** Going back on the record  
13 at 3:38.

14           **Q. (Mr. Hodges)** Mr. Hamed, at any time, did you have  
15 any other accounts other than the four you've identified?  
16 In other words, in the past, have you ever had any other  
17 accounts?

18           **A.** No.

19                       **THE INTERPRETER:** Okay. I had an account  
20 with (speaking in Arabic) Cairo Amman Bank in Nablus. It  
21 was set up for the purpose of the concrete plant.

22           **A.** Last year, I close it.

23                       **THE INTERPRETER:** And he closed it last year.

24           **Q. (Mr. Hodges)** Do you recall when last year you  
25 closed it?

**MOHAMMAD HAMED -- DIRECT**

1           **A.**    I don't know, I don't know exactly. I just can't  
2 remember.

3           **Q.**    **(Mr. Hodges)** Okay. But you know it was last  
4 year?

5           **A.**    Yeah.

6                   **THE INTERPRETER:** Yes.

7           **Q.**    **(Mr. Hodges)** Okay. So can -- can -- can we make  
8 the -- the statement that, in your entire life, the only  
9 accounts that you've had are the accounts, the five accounts  
10 that you've just identified? The one Banco Popular,  
11 Scotiabank, Arab bank in Nablus, Arab bank in Jordan, and  
12 the Cairo Amman Bank in Nablus?

13                   **MR. HARTMANN:** Object as to form.

14                   **THE INTERPRETER:** He thought you forgot one,  
15 in -- the Arab bank in Jordan.

16           **Q.**    **(Mr. Hodges)** No, no. I count one, two, three,  
17 four --

18                   **THE INTERPRETER:** He says it's a city or town  
19 in Jordan, but it's --

20                   **MR. HODGES:** Okay. Okay. So the answer to  
21 my question is, yes, that's --

22                   **THE INTERPRETER:** Yes. Yes.

23           **Q.**    **(Mr. Hodges)** Okay. Mr. Hamed, we've heard about  
24 the -- the -- I guess the disagreement regarding the batch  
25 plant and the dispute that that -- that created.

**MOHAMMAD HAMED -- DIRECT**

1 Tell us, in your words, what -- what your  
2 agreement was with Mr. Yusuf regarding the money that was to  
3 be given to the batch plant?

4 **MR. HARTMANN:** Object to form. It mis --  
5 also mischaracterizes prior testimony.

6 **A.** (Speaking in Arabic.)

7 **MR. HARTMANN:** We'll stipulate we're not  
8 making any claims with regards to those -- that transaction,  
9 the concrete plant.

10 **MR. HODGES:** That's okay.

11 **THE INTERPRETER:** His response --

12 **MR. HODGES:** Can it be done in about twenty  
13 seconds? Can you remember it for a minute so that we can --  
14 we can change tapes?

15 **THE INTERPRETER:** Sure.

16 **THE VIDEOGRAPHER:** Going off the record at  
17 3:43.

18 (Respite.)

19 **THE VIDEOGRAPHER:** Going back on record at  
20 3:44.

21 **Q. (Mr. Hodges)** Okay.

22 **THE INTERPRETER:** I'd given Mr. Fathi Yusuf a  
23 power of attorney -- a general power of attorney. He came  
24 to the West Bank and he sold the plant, and I really don't  
25 care what happened. I had established it for the sake of

**MOHAMMAD HAMED -- DIRECT**

1 God, and -- as he did. We weren't benefiting from it  
2 monetarily. And, I -- I haven't asked him about it.

3 **Q. (Mr. Hodges)** Well, so there wasn't some agreement  
4 between you and Mr. Yusuf that a -- a million dollars of  
5 partnership funds would be provided to charity in order to  
6 provide charitable works for the people back in your  
7 homeland?

8 **MR. HODGES:** Yes.

9 **Q. (Mr. Hodges)** Okay. And so tell me how -- how  
10 that agreement was carried out?

11 **THE INTERPRETER:** Mr. Fathi Yusuf is the one  
12 who took charge of setting up the plant. We started out  
13 with two mixers, and then grew to six. And he had selected  
14 a family, one of his family members, and one of my family  
15 members, to run the -- the plant. He set their salaries.

16 After a period of time, he returned and said,  
17 I want to sell this plant, and he sold it, and that was  
18 the -- that was it.

19 **MR. HODGES:** Okay. So Mr. Hamed denies that  
20 there was ever any agreement that Mr. Yusuf would send the  
21 money necessary for the creation or the building of the --  
22 of the batch plant to Mr. Hamed?

23 **THE INTERPRETER:** Yes, he used to send money.

24 **A.** Checks, many times. When I go --

25 **THE INTERPRETER:** I used to get -- I used to

**MOHAMMAD HAMED -- DIRECT**

1 receive checks and I would go and deposit them, after either  
2 converting them to U.S. dollars or Jordanian dinars.

3 **A.** Don't make a mistake. I change it from dinar to  
4 give me money --

5 **THE REPORTER:** Arabic.

6 **THE INTERPRETER:** Okay. Okay. He says, I  
7 used to, once -- once I received the checks, I would go to a  
8 money exchanger -- this is common in the Middle East --  
9 convert the check to cash, then he would deposit it either  
10 in the form of Jordanian dinars or U.S. dollars in -- in --  
11 into an account.

12 **MR. HODGES:** So how would he --

13 **Q. (Mr. Hodges)** You say you initially received the  
14 money by a check, from whom?

15 **A.** (Speaking in Arabic.) Anybody. I don't know.

16 **THE INTERPRETER:** He says, I don't know from  
17 whom, but from either Fathi Yusuf, Waleed, or Maher.

18 **Q. (Mr. Hodges)** And all of these transfers would  
19 have been in the form of a check?

20 **MR. HARTMANN:** Object. Misstates previous  
21 testimony.

22 **THE INTERPRETER:** Yes.

23 **Q. (Mr. Hodges)** Okay. And -- and so none of the  
24 proceeds that were to be used for the batch plant were  
25 received in the form of a wire transfer?

MOHAMMAD HAMED -- DIRECT

1                   **THE INTERPRETER:** Yes.

2           **Q. (Mr. Hodges)** Okay. So how much money did you  
3 agree that would be sent to you to give to the batch plant?

4           **A.** Seven hundred dollar.

5                   **THE INTERPRETER:** 700,000.

6           **Q. (Mr. Hodges)** Not a million dollars?

7                   **THE INTERPRETER:** No.

8           **Q. (Mr. Hodges)** You've never -- you never heard  
9 Mr. Yusuf claim that he was surprised that a million dollars  
10 didn't go to them, instead of 700?

11           **A.** No, sir. I receive --

12                   **THE INTERPRETER:** Yeah, I -- I lost him,  
13 because I don't understand if the entire amount of 700,000,  
14 at one point he said 700,000, so I don't want to misquote  
15 him.

16                   **MR. HODGES:** Okay. No, no -- I'll ask the  
17 question.

18                   **THE INTERPRETER:** You can rephrase the  
19 question or --

20           **Q. (Mr. Hodges)** So Mr. Hamed, did you receive  
21 \$700,000 --

22           **A.** Yeah.

23           **Q.** -- from Mr. Yusuf?

24           **A.** I don't know from who.

25           **Q.** Okay. So do I take it that it's your testimony

**MOHAMMAD HAMED -- DIRECT**

1 that instead of a million dollars --

2 **A.** No, I never receive no million.

3 **Q.** Okay. But instead of a million that Mr. Yusuf  
4 thought was -- was being sent, you only received \$700,000?

5 **A.** Yes, sir.

6 **Q.** Okay. And you received that \$700,000 in the form  
7 of -- of multiple checks, is that what you're saying?

8 **THE INTERPRETER:** Yes, many checks.

9 **A.** Many times.

10 **THE INTERPRETER:** I received every couple of  
11 weeks, so it's more than one check.

12 **Q. (Mr. Hodges)** Okay. When you say more than one  
13 check, there was more than one check from Mr. Yusuf, from  
14 his son Maher, from your son Waleed?

15 **A.** You told him, I don't know who. I'm in Jordan in  
16 West Bank, and he's in America. Who send it, I don't know  
17 who, and he keep asking me, Who? Who? I don't know who.

18 **Q.** Okay. Well, you know that it was some -- it's --  
19 it's somebody either in your family or Mr. Yusuf's family,  
20 right?

21 **A.** I told you, I don't know who send it.

22 **Q.** Okay. But --

23 **A.** The money coming in check, or in -- or whatever, I  
24 going -- (speaking in Arabic).

25 **THE REPORTER:** Arabic, please.

MOHAMMAD HAMED -- DIRECT

1                   **THE INTERPRETER:** He's repeating that he  
2 would receive it in the form of a check, take it to the  
3 money exchanger, exchange it and then deposit it in the  
4 bank.

5           **Q. (Mr. Hodges)** And the checks that you would  
6 exchange with the money changers to get cash, where did --  
7 what did you do with that cash? Did you put it in --

8           **A.** I put it in the account.

9           **Q.** Which account?

10          **A.** I take it and go for the bank and put a deposit.

11          **Q.** Okay. Which -- which bank account did you put the  
12 cash in?

13                   **THE INTERPRETER:** The Arab bank. What bank?  
14 The Arab bank.

15          **Q. (Mr. Hodges)** Which Arab bank?

16                   **THE INTERPRETER:** It's called the Arab bank.

17          **Q.** The one in Nablus, or in Jordan?

18                   **THE INTERPRETER:** In Nablus.

19          **A.** The West Bank.

20          **Q. (Mr. Hodges)** So the -- the -- all -- all of the  
21 cash that you got from the checks, you put into the Arab  
22 bank in Nablus, right?

23                   **THE INTERPRETER:** He also said the Cairo  
24 Amman Bank.

25          **A.** After I change it.



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1 Q. (Mr. Hodges) Okay.

2 THE INTERPRETER: In both accounts.

3 He's just describing what -- that it's  
4 because he knows someone at the money exchanger, at the  
5 exchange place. He would go there, they charge a fee. He  
6 mentioned, you know, sometimes the check would be \$20,000,  
7 and repeated the procedure that once he has it exchanged,  
8 then he deposits it in one of those accounts.

9 Q. (Mr. Hodges) Okay. Now, there -- as I recall,  
10 you said you set up one account specifically for the batch  
11 plant, is that correct?

12 A. That's the one I'm referring to, the Cairo Amman  
13 Bank.

14 Q. Okay. So tell me why all of the money was not put  
15 into that account, instead of two accounts?

16 THE INTERPRETER: He says he put it into that  
17 account, into the Cairo Amman.

18 Q. (Mr. Hodges) All of the -- all of the cash from  
19 the checks was put into the Cairo Amman account?

20 THE INTERPRETER: Yes.

21 MR. HODGES: Okay. So how much money did he  
22 receive in checks?

23 A. I don't know.

24 Q. (Mr. Hodges) Did you receive 700, like you said?

25 A. I say, yes, totally, yeah. But I can't -- I'm not

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1 counted. (Speaking in Arabic). I tell you, that you send  
2 me a check, and I sign off the check and (speaking in  
3 Arabic).

4 **THE INTERPRETER:** He says, I did not receive  
5 the entire amount.

6 **A.** I don't know how many times send check, and I go  
7 for -- (speaking in Arabic).

8 **THE INTERPRETER:** He says, I don't know how  
9 many times I did that.

10 **Q. (Mr. Hodges)** Did what?

11 **THE INTERPRETER:** I received checks, and I go  
12 to the -- and repeat the -- this process.

13 **MR. HODGES:** Okay. But the bottom line is,  
14 he received \$700,000 in checks in total, is that his  
15 testimony?

16 **MR. HARTMANN:** Object. Asked and answered.  
17 Mischaracterizes the prior testimony.

18 **THE INTERPRETER:** Okay. He says, Yes, I  
19 received not once. Not in one, in one --

20 **MR. HODGES:** I understand.

21 **THE INTERPRETER:** -- in one check.

22 **Q. (Mr. Hodges)** You received multiple checks  
23 totaling \$700,000.

24 **MR. HARTMANN:** Object. Mischaracterizes the  
25 prior testimony. Asked and answered.

MOHAMMAD HAMED -- DIRECT

1                   **THE INTERPRETER:** Yeah, I mean --  
2                   Correct.

3           **Q. (Mr. Hodges)** Okay. And did -- and you cashed  
4 those checks and put all of the money into the Cairo Amman  
5 bank account, is that correct?

6                   **THE INTERPRETER:** Yes.

7           **Q. (Mr. Hodges)** Do you remember, did you keep copies  
8 of any of those checks that you received?

9                   **THE INTERPRETER:** No.

10          **Q. (Mr. Hodges)** Why not?

11          **A.** I give it to the guy, he change it for me. I  
12 don't have machine in my pocket in there.

13                   **THE INTERPRETER:** He says he did not --

14          **A.** I give him the check, he give me the money, and I  
15 go. I put it in the bank.

16                   **THE INTERPRETER:** He did not keep copies. He  
17 would give it to the money exchange teller, and he says, I  
18 don't have a copy machine with me.

19          **Q. (Mr. Hodges)** Okay. And did the batch plant  
20 actually receive \$700,000 from you?

21                   **THE INTERPRETER:** No. Less.

22          **Q. (Mr. Hodges)** How much did they receive?

23          **A.** Around six hundred and something. Exact number  
24 (speaking in Arabic).

25                   **THE INTERPRETER:** He said, Around

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1 600-something, but I don't know the exact number.

2 **Q. (Mr. Hodges)** Okay. Did you give the money to the  
3 batch plant all at one time, or did you do it in -- in bits  
4 and pieces?

5 **A.** No, in pieces.

6 **Q.** Was there -- did there come a time when Mr. Yusuf  
7 spoke to you and said he found out that the batch plant only  
8 received 662,000?

9 **A.** Uh-huh.

10 **Q.** And he thought that they were supposed to receive  
11 a million dollars?

12 **A.** No.

13 **Q.** That's what he told you though, right?

14 **MR. HARTMANN:** In Arabic.

15 **A.** Okay. (Speaking in Arabic). When I prove it for  
16 him, get him -- (speaking in Arabic).

17 **THE INTERPRETER:** Okay. All right. May I?

18 **MR. HODGES:** Yeah. May you what? I'm sorry.

19 **THE INTERPRETER:** Interpret what he said?

20 **MR. HODGES:** Please.

21 **THE INTERPRETER:** His response was that the  
22 balance was donated. This was -- these were Mr. Fathi  
23 Yusuf's instructions. He kept a list, and he provided him  
24 with a list for -- for the difference. So any difference,  
25 as I understand it, was donated to schools, to hospitals, to

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1 different charitable organizations, or to individuals that  
2 Mr. Fathi Yusuf so designated.

3 **MR. HODGES:** The difference between what?  
4 The 662,000, and what number?

5 **A.** I not receive million. (Speaking in Arabic).

6 **THE INTERPRETER:** As I understand it, the  
7 difference between 700,000 and the 662 is -- is an amount  
8 that was donated based on instructions from Mr. Fathi Yusuf.

9 **MR. HODGES:** Donated to whom?

10 **THE INTERPRETER:** To different persons and  
11 organizations. Most he referred to schools; boys school,  
12 girls school, a vocational school. He also mentioned  
13 individual names that I don't recognize.

14 **MR. HODGES:** Okay.

15 **THE INTERPRETER:** And -- and apparently he  
16 kept a list that he provided to Mr. Fathi Yusuf, he says.

17 **Q. (Mr. Hodges)** Now, Mr. Hamed, when Mr. Yusuf found  
18 out that the -- the batch plant had only received \$662,000,  
19 didn't he also find out that they needed more money for a  
20 concrete pump?

21 **THE INTERPRETER:** I'm sorry. Repeat the  
22 question.

23 **Q. (Mr. Hodges)** At the time that Mr. Yusuf learned  
24 that the -- that the batch plant had only received \$662,000,  
25 didn't he also learn from them that they were having some

**MOHAMMAD HAMED -- DIRECT**

1 trouble because they needed money for a concrete pump?

2 **THE INTERPRETER:** He says when he  
3 was approached --

4 **A.** (Speaking in Arabic).

5 **THE INTERPRETER:** He says when he -- when  
6 Mr. Fathi Yusuf approached him about this and discussed it  
7 with him, he provided him -- provided him with the long list  
8 of contributions that were made on his behalf.

9 **MR. HODGES:** So he doesn't recall ever  
10 agreeing with Mr. Yusuf that an additional \$150,000 would be  
11 given to the batch plant to get the concrete --

12 **THE REPORTER:** To get the concrete?

13 **MR. HODGES:** Pump.

14 **MR. HARTMANN:** Object as to form.

15 **THE INTERPRETER:** He says, I did not receive  
16 that amount.

17 **MR. HODGES:** He didn't receive \$150,000,  
18 but -- but isn't it true that Mr. Yusuf told his son,  
19 Waheed?

20 **MR. FATHI YUSUF:** Yes.

21 **MR. HODGES:** -- that he should send his  
22 father \$225,000, including the \$150,000 for the pump and  
23 \$75,000 for Mr. Hamed?

24 **MR. HARTMANN:** Wait. Object.

25 **THE INTERPRETER:** You lost me.

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1                   **MR. HARTMANN:** Whoa. Object. You lost me  
2 too.

3                   Object as to form. Who said who to send  
4 what?

5                   **MR. HODGES:** Well, if you'd pay attention --

6                   **MR. HARTMANN:** I did. He didn't understand  
7 it either.

8                   **MR. HODGES:** Can you read the question back?  
9 I thought it was pretty clear.

10                   **THE INTERPRETER:** I mean, I have the numbers  
11 but I don't get -- I just want to be able to relate --

12                   **Q. (Mr. Hodges)** I appreciate it.

13                   **A.** -- correctly.

14                   **THE REPORTER:** "He didn't receive \$150,000,  
15 but -- but isn't it true that Mr. Yusuf told his son,  
16 Waheed, that he should send his father \$225,000, including  
17 the \$150,000 for the pump and \$75,000 for Mr. Hamed?"

18                   **MR. HARTMANN:** Object as to form.

19                   **THE INTERPRETER:** He says, This did not  
20 happen.

21                   **Q. (Mr. Hodges)** So there was never any agreement  
22 that, between Mr. Hamed and Mr. Yusuf, to give additional  
23 money to the concrete plant?

24                   **MR. HARTMANN:** Object as to form.

25                   **THE INTERPRETER:** He says no.

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1           **A.**    No.  If he did it by his own, it different.  For  
2  me, no.

3                   **MR. HODGES:**  What are we up to, Cheryl?

4                   **MR. HARTMANN:**  Ten.

5                   **MR. HODGES:**  Nine, 10?

6                               (Deposition Exhibit No. 10 was  
7                               marked for identification.)

8                   **MR. HODGES:**  Exhibit 10.

9                   **MR. HARTMANN:**  Okay.  Exhibit 10 is a stack  
10  of documents stapled together at the top of the left-hand  
11  corner of which is the phrase Mohammad Abdulqader Hamed,  
12  Cairo Amman Bank.  The Bates number in the lower right  
13  corner is FY00220-A, the second page of which is 220, and  
14  then they continue serially from 221 through the last page,  
15  which is FY000272, which says at the lower left-hand side of  
16  it, Exhibit 8, Page 53 of 53.

17                               That's Exhibit No. 10.

18           **Q.**    **(Mr. Hodges)**  Okay.  Mr. Hamed, do you recognize  
19  this as documents representing copies of statements from  
20  your Cairo Amman account in Nablus, West Bank, along with  
21  translations of those statements?

22                   **THE INTERPRETER:**  Yes.

23                   **MR. HARTMANN:**  Okay.  I'm going to object at  
24  this point as to form.  This is, again, another document  
25  that was not provided to us in this form.  This first page



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1 appears, not only appears because it was never provided to  
2 us, and was added to the top of the exhibit we received, but  
3 is also stapled as a single sheet at the top of the page,  
4 whereas the rest of the stack is stapled at the left-hand  
5 side.

6 We've never seen the first page. Therefore,  
7 I object to you using it as a unitary exhibit to question  
8 the witness.

9 **MR. HODGES:** Is that all?

10 **MR. HARTMANN:** Yep. Thank you.

11 **Q. (Mr. Hodges)** All right. So Mr. Hamed, this is  
12 the account, if I recall your testimony correctly, that you  
13 set up specifically to receive the money for the batch plant  
14 and to disburse the money to the batch plant, is that right?

15 Do you want me to say that again?

16 **THE INTERPRETER:** Yeah, please.

17 **Q. (Mr. Hodges)** Mr. Hamed, this is the account, the  
18 Cairo Amman account, that's reflected in Exhibit 10 that you  
19 set up specifically to receive and disburse money for the  
20 batch plant?

21 **A.** Supposed to.

22 **THE INTERPRETER:** Yes.

23 **Q. (Mr. Hodges)** Okay. So the purpose of this  
24 account was to disburse all of the proceeds from this  
25 account to the batch plant for charitable donations, is that

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1 correct?

2 **A.** He's the one who donate -- donated those amounts.

3 **Q.** You didn't -- they were your monies too, right?

4 **THE INTERPRETER:** Both of us donated the  
5 monies.

6 He says -- he says, We both donated it. The  
7 people approached Fathi --

8 **A.** He did that, not me.

9 **THE INTERPRETER:** And he told me, Go ahead,  
10 give them. Go ahead, give them, until they finish their  
11 project. It's a school project. I said, Different people  
12 would come asking for donations, and we agreed to give them.

13 **Q. (Mr. Hodges)** But the purpose of this account was  
14 to give the money to the batch plant, isn't that correct?

15 **THE INTERPRETER:** Yes, of course.

16 **Q. (Mr. Hodges)** And this is the account that you  
17 closed last year?

18 **THE INTERPRETER:** Yes.

19 **Q. (Mr. Hodges)** And how much money was in the  
20 account when you closed it?

21 **A.** A couple shekel.

22 **THE INTERPRETER:** A few shekels.

23 **A.** I don't know. I don't know exactly number.

24 **Q. (Mr. Hodges)** Approximately?

25 **A.** I don't know. I can't give a number when I don't

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1 know how much.

2 **Q.** Now, you said shekel. This is an American dollar  
3 account, isn't it?

4 **A.** (Speaking in Arabic.) It's a country in there --

5 **MR. HARTMANN:** Arabic.

6 **THE INTERPRETER:** He says he can't remember  
7 the exact amount, but he -- when he went to the bank, it's a  
8 country, it's an occupied territory under Israeli  
9 occupation, so they do use the shekel. It's called shekel.  
10 And he does not remember, it could have been in shekel. He  
11 remembers receive -- getting the money, closing the account,  
12 and then, upon reaching here, giving it to his -- his  
13 daughter-in-law to give to Mr. Yusuf.

14 **MR. HODGES:** And he has no idea how much  
15 money that was that he gave to his daughter-in-law?

16 **A.** No.

17 **THE INTERPRETER:** No.

18 **Q. (Mr. Hodges)** How did he give it to her, in cash?

19 **A.** I don't know. I can't remember.

20 **THE INTERPRETER:** Yes, cash.

21 **Q. (Mr. Hodges)** In U.S. dollars?

22 **THE INTERPRETER:** Yes. He said he  
23 exchanged -- he exchanged --

24 **A.** I exchanged from shekel, Israeli money, or  
25 American money. To American money.

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1           **Q. (Mr. Hodges)** So you're -- you're -- you're not  
2 acknowledging that the only currency used on this account is  
3 American, United States dollars?

4           **MR. HARTMANN:** Object. Object. Misstates  
5 the prior testimony.

6           **MR. HODGES:** Go ahead.

7           **THE INTERPRETER:** Okay. He says the account  
8 was opened with U.S. dollars and Jordanian dinars. When he  
9 went to close the account, he found the currency to be in  
10 shekels. He says, They gave me -- gave it to me in checks.  
11 I didn't ask them.

12           **A.** I didn't ask what you have in the bank, or at the  
13 bank. I get the statement. (Speaking in Arabic.)

14           **THE INTERPRETER:** He says, I spent money to  
15 get this --

16           **A.** As I told you, I stood in front of all of you, I'm  
17 not thief. I'm an honest person. Good man. (Speaking in  
18 Arabic.)

19           **MR. HODGES:** Okay.

20           **MR. HARTMANN:** You want to hear the answer?

21           **MR. HODGES:** Please.

22           **MR. HARTMANN:** I'm sorry.

23           **MR. HODGES:** I heard the last part, but I'd  
24 like to hear the part that I didn't understand.

25           **THE REPORTER:** Do you want me to read it

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1 back?

2 (Laughter.)

3 **MR. HARTMANN:** Just can you summarize it?

4 **THE INTERPRETER:** He's saying, I did not  
5 steal.

6 **MR. HARTMANN:** Okay.

7 **THE INTERPRETER:** I'm not a thief. I'm an  
8 honorable man. He said it in English.

9 **MR. HARTMANN:** But he also said it in Arabic.

10 **THE INTERPRETER:** Pretty much he's saying,  
11 when he closed the account, he can't spend some money  
12 because he wants to deliver back the balance to Mr. Yusuf.  
13 He hadn't taken -- he has not taken any money.

14 **MR. HARTMANN:** Okay. That's good.

15 **Q. (Mr. Hodges)** Okay. Now, this was not all the  
16 money that you gave to the batch plant, right? I mean, you  
17 gave money from another account, is that right?

18 **THE INTERPRETER:** He says, No. This is --  
19 this is all the money that -- that was disbursed.

20 **Q. (Mr. Hodges)** So if all of the money in this  
21 account never -- totaled, that was ever deposited in this  
22 account between 1999 and 2000 was only \$274 -- \$274,148, how  
23 do you explain the fact that the --

24 **THE INTERPRETER:** I'm sorry. I -- it's -- I  
25 didn't hear that figure for --

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1           **Q. (Mr. Hodges)** If all of the money deposited into  
2 this account in American dollars between June 1999 and  
3 December 2001 amounted to \$274,140 --

4           **THE INTERPRETER:** Which year? I'm sorry.

5           **Q. (Mr. Hodges)** December 31, 2001, amounted to just  
6 over \$274,000, how do you explain the fact that 662,000 was  
7 given to the batch plant?

8           **MR. HARTMANN:** Before you ask, object as to  
9 form. Also, object to the use of this document.

10                   While I was making my original objection,  
11 Mr. Yusuf asked Mr. Attorney DeWood where the sheet came  
12 from. And Mr. DeWood responded to Mr. Yusuf that Mr. --  
13 that Iman created this sheet.

14                   This sheet is a sheet that's made up. You  
15 can't examine him from this sheet.

16           **MR. HODGES:** I can examine him from whatever  
17 I want to.

18           **MR. HARTMANN:** Not using this sheet.

19           **MR. HODGES:** Oh, yeah?

20           **MR. HARTMANN:** Yeah.

21           **MR. HODGES:** Are you going to stop me?

22           **MR. HARTMANN:** No, I guess I won't. I'll --  
23 I'll simply make an objection.

24           **MR. HODGES:** Well, just make an objection,  
25 but, you know, quit wasting so much time, Carl.

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1                   **MR. HARTMANN:** Okay.

2                   **MR. HODGES:** And I -- I -- I note that my  
3 co-counsel says he said no such thing.

4           **Q. (Mr. Hodges)** Anyway, the question, Mr. Hamed, if  
5 the total deposits into this account, this Cairo Amman  
6 account that is reflected in Exhibit 10 from June 30, 1999  
7 to December 31, 2001 totaled slightly in excess of \$274,000,  
8 how do you explain the fact that you acknowledge \$662,000  
9 was given to the batch plant by you?

10                   **MR. HARTMANN:** Object to the form of the  
11 question. It's confusing. Calls for speculation.  
12 Mischaracterizes earlier testimony. Asked and answered, and  
13 calls for a legal conclusion.

14           **A.** (Speaking in Arabic.) I'm not take nothing  
15 because --

16                   **MR. HARTMANN:** Let him --

17           **A.** -- this money is belong to me. This money --  
18 (speaking in Arabic).

19                   **MR. HARTMANN:** Let him tell what your answer  
20 is.

21                   **THE INTERPRETER:** Okay. The -- this money,  
22 this money was received with the acquisition of the concrete  
23 plant. This is my money. I am not a bank. I do not  
24 oversee the accounts.

25           **Q. (Mr. Hodges)** Mr. Hamed, the money that was put

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1 into this account was the money that came from the  
2 Plaza Extra partnership, is that not correct?

3 **A.** Yeah, I got that. I'm own half of it.

4 **Q.** Okay.

5 **MR. HARTMANN:** In Arabic. In Arabic.

6 **Q. (Mr. Hodges)** All right.

7 **THE INTERPRETER:** Okay. I paid half. This  
8 is for both of us.

9 **Q. (Mr. Hodges)** Okay. And as I understood your  
10 testimony earlier, you said that all of the money that was  
11 used to pay the batch plant came from this account, is that  
12 right?

13 **MR. HARTMANN:** Object. Misstates prior --  
14 mischaracterizes prior testimony.

15 **THE INTERPRETER:** He says, The amount that  
16 was received for the plant was 662,000. The -- the  
17 difference between the 700,000 and the 662,000, as he said  
18 earlier, are the amounts that were donated both from  
19 Mr. Fathi Yusuf and himself to the different organizations  
20 and individuals. And he provided the list to Mr. Fathi  
21 Yusuf detailing this.

22 I want to excuse myself to use the restroom,  
23 if that's okay.

24 **MR. HODGES:** Certainly.

25 **THE VIDEOGRAPHER:** Going off the record.



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1 4:30.

2 (Respite.)

3 **THE VIDEOGRAPHER:** Going back on record at

4 4:33.

5 **Q. (Mr. Hodges)** So, Mr. Hamed, you haven't answered  
6 my question. Didn't you just testify a few minutes ago that  
7 all of the money used to give money to the batch plant came  
8 from the Cairo Amman Bank account that's shown as  
9 Exhibit No. 10?

10 **MR. HARTMANN:** Object. Mischaracterizes his  
11 prior testimony.

12 **A.** Yes.

13 **Q. (Mr. Hodges)** Okay. So if -- if there was only  
14 \$274,000 deposited in to that bank account that was  
15 available to disburse to the batch plant, how do you account  
16 for the difference between 662,000 and 274,000?

17 **MR. HARTMANN:** Object. Mischaracterizes the  
18 prior testimony. Object to form.

19 **A.** I don't know.

20 **THE INTERPRETER:** I guess he understood the  
21 question. He said, I don't know.

22 **Q. (Mr. Hodges)** Would you agree with me that the  
23 money had to come from some other source?

24 **MR. HARTMANN:** Object. Mischaracterizes  
25 prior testimony. Object as to form.

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1           **A.**   Well, I don't know nothing about this.

2           **Q.**   **(Mr. Hodges)** Well, you were the one that  
3 delivered the money to the batch plant, weren't you?

4           **A.**   I -- I'm not delivered the money. Nobody give me  
5 the money, or send me the money.

6                   **MR. HARTMANN:** In Arabic. In Arabic.

7           **A.**   Tell me they send --

8                   **MR. HARTMANN:** In Arabic.

9           **A.**   Told me in donation.

10          **Q.**   **(Mr. Hodges)** The money was sent to you --

11          **A.**   I take it.

12          **Q.**   Let me finish my question. Let me finish my  
13 question.

14          **A.**   You want to put me that --

15          **Q.**   Please, sir.

16          **A.**   No. I tell you no. I'm not received all the  
17 \$700,000. I put in my hand, I change it from the people,  
18 they change the money, and I take it with my foot, I walked  
19 till I reach the bank, I put it in my account in Cairo Amman  
20 Bank.

21          **Q.**   The U.S. dollar?

22          **A.**   I keep it, save it, save it until they stop to  
23 send.

24          **Q.**   Okay.

25          **A.**   When they stopped to send, I keep it in my bank,

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1 Cairo Amman. I go for the people, when they working in  
2 the -- in the -- in the farm, the concrete plant, I tell  
3 them, You ready? Say you want to buy car, want to buy pump  
4 to push the concrete up. Tell him, Okay. Let's go for the  
5 bank.

6 We went for the bank, we give him the money.  
7 I save it in the bank. And they does -- he is the one that  
8 make the donation, and I give him this with the balance of  
9 the money. The short, and 662,000. The left, I don't know  
10 how much exactly. He is the one put it, Get this, get this.  
11 I have this, all the name for the woman and the man in a  
12 school. They want to build the school, they want to do  
13 something in the school. They want to put the screen in  
14 school, \$5,000, and I give it to him, and they spent all the  
15 money left.

16 **MR. HODGES:** Sorry. I only have one extra  
17 copy of this, unless we find one. This will be 11.

18 (Deposition Exhibit No. 11 was  
19 marked for identification.)

20 **MR. HARTMANN:** Exhibit 11 is a group of  
21 documents stapled together, say Translation House at the  
22 top, and have Deposition -- I'm sorry -- have Bates  
23 No. FY002010 at the beginning and continues serially through  
24 FY002041.

25 It's Deposition Exhibit 11.

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1           **Q. (Mr. Hodges)** Mr. Hamed, can you tell us what  
2 Exhibit No. 11 is, please?

3           **A.** (Witness reading).

4                   **MR. HODGES:** If you would, it may be helpful  
5 to Mr. Hamed if you'd turn to page, so he can read it in  
6 Arabic, turn to page --

7                   **THE INTERPRETER:** I don't see page numbers,  
8 but go ahead.

9                   **MR. HODGES:** Down at the bottom right-hand  
10 corner, Page FY002032?

11                   **THE INTERPRETER:** 2032?

12                   **MR. HODGES:** Yes, sir.

13                   **THE INTERPRETER:** Okay.

14           **Q. (Mr. Hodges)** Is this not an account in your name,  
15 Mr. Hamed, at Cairo Amman Bank Nablus branch, in Jordanian  
16 dinar?

17           **A.** I don't know.

18                   **THE INTERPRETER:** Yes. He says this is his  
19 account.

20           **Q. (Mr. Hodges)** This is your account, another  
21 account at the Cairo Amman, in Jordanian dinar, is that  
22 correct?

23                   **THE INTERPRETER:** Another account from the  
24 one that we were referencing before?

25                   **MR. HODGES:** Exactly.

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1                   **THE INTERPRETER:** Is that what you're saying?

2                   **MR. HODGES:** Yes.

3                   **THE INTERPRETER:** He says, It's the same  
4 account. I opened an account in both Jordanian dinars and  
5 U.S. dollars.

6           **Q. (Mr. Hodges)** So you had two accounts at the --

7           **A.** Yeah.

8           **Q.** Okay. Not the one that you talked about earlier?

9           **A.** No.

10                   **THE INTERPRETER:** No.

11           **A.** (Speaking in Arabic.)

12                   **THE INTERPRETER:** He maintains it's the same  
13 account, but one is in Jordanian dinars and one is in U.S.  
14 dollars.

15           **Q. (Mr. Hodges)** They're not treated separately?

16                   **THE INTERPRETER:** He says, The same account.

17           **Q. (Mr. Hodges)** It's not the same account number,  
18 though, is it?

19           **A.** I don't know. I don't know.

20           **Q.** Can you see the account number on -- on -- on the  
21 document?

22                   **MR. HODGES:** Mr. Hartmann, would you allow  
23 your client to have the document back, please?

24                   **MR. HARTMANN:** Okay. I object to any further  
25 questions. This document is not the document we were

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1 supplied with, these Bates numbers in discovery. I have no  
2 idea what it is, and we've never been supplied with it.  
3 It's obviously been substituted after the discovery  
4 production was made.

5 The original discovery production was USF103.

6 **THE INTERPRETER:** This account, as opposed to  
7 the other one?

8 **MR. HODGES:** Yes. I'll get that one.

9 **THE INTERPRETER:** The question would require  
10 him to look at both, right, to see?

11 **MR. HODGES:** Yes.

12 **MR. HARTMANN:** What exhibit are you looking  
13 for?

14 **MR. HODGES:** I'll let you know when I decide  
15 to, Carl.

16 **MR. HARTMANN:** Okay.

17 **THE VIDEOGRAPHER:** While you're doing that,  
18 can we switch tapes?

19 **MR. HARTMANN:** Sure.

20 **THE VIDEOGRAPHER:** Going off record at 4:46.

21 (Respite.)

22 **THE VIDEOGRAPHER:** Going back on record at  
23 4:47.

24 **MR. HODGES:** I can examine Mr. Hamed on  
25 another document while we're waiting on that.

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1                   **MR. HARTMANN:** While we're waiting, I'd note  
2 that my co-counsel noted that I misspoke, that Mr. Fathi  
3 Yusuf's deposition is noticed for and starts at 9:00 a.m. in  
4 the morning tomorrow and Wednesday.

5                   **MR. HODGES:** This will be No. 12.

6                   **THE REPORTER:** Just a second, Carl.

7                   Okay.

8                   (Deposition Exhibit No. 12 was  
9                   marked for identification.)

10                  **MR. HARTMANN:** Exhibit 12 is a four-page  
11 document, it has the phrase Bank of Palestine, Ltd. at the  
12 top. It bears Bates No. FY003003 on it, and running  
13 serially and ending with FY003006, and that is  
14 Exhibit No. 11.

15                  **MR. HARTMANN:** I'm sorry. I said 11?  
16 Twelve. I'm sorry. Oh, we didn't get 11.

17                  **Q. (Mr. Hodges)** Mr. Hamed, could you take a look at  
18 Page 2 of Exhibit 12, and tell us what this document  
19 reflects, if you know.

20                         Mr. Hamed, can you tell from the page  
21 FY003004 at the bottom that this document is in Arabic, and  
22 the -- the top is dated March 25, 2001, is that correct?

23                  **MR. HARTMANN:** Object. Could he have that  
24 translated?

25                  **MR. HODGES:** Yeah.

## MOHAMMAD HAMED -- DIRECT

1           **Q. (Mr. Hodges)** The top -- the top blocked-out  
2 section under Bank of Palestine, first of all, it shows the  
3 account name as I --

4           **THE INTERPRETER:** Sidahar Development  
5 Company.

6           **Q. (Mr. Hodges)** Okay. That's the concrete batch  
7 plant, isn't it?

8           **THE INTERPRETER:** He says the two gentlemen  
9 that were assigned to run the plant are the ones who  
10 transferred these funds to this account.

11           **Q. (Mr. Hodges)** Okay. The -- the -- so this --  
12 Mr. Hamed, are you saying that the money, the 282,000  
13 Jordanian dinar that is shown on Exhibit 12, Page 2, at the  
14 top, did not come from your account?

15           **THE INTERPRETER:** Page 2?

16           **MR. HODGES:** Page 2 right here.

17           **THE INTERPRETER:** In Arabic?

18           **MR. HODGES:** Right, in Arabic.

19           **MR. HARTMANN:** The -- the second page of the  
20 exhibit.

21           **THE INTERPRETER:** Okay.

22           **MR. HODGES:** Yeah.

23           **Q. (Mr. Hodges)** Is it your testimony, sir, that the  
24 282,000 Jordanian dinar that came from a Check No. 1629 from  
25 the Cairo Amman Bank was not from your account?



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1                   **THE INTERPRETER:** No.

2           **Q. (Mr. Hodges)** Are you sure about that?

3                   **THE INTERPRETER:** He's saying there were two  
4 numbers, the 282,000 in Jordanian dinar and 204,000 U.S.  
5 dollars in this account that belonged to the concrete plant.

6           **Q. (Mr. Hodges)** Okay. Did they -- did those funds,  
7 those 282,000 Jordanian dinar and the 204,000 U.S. dollars  
8 come from Mr. Hamed's Cairo Amman bank account?

9                   **THE INTERPRETER:** Cairo Amman, yes, yes.  
10 Yes, and I know, and the people from -- the -- the people in  
11 charge of the plant received these monies from his account  
12 at Cairo Amman Bank.

13           **Q. (Mr. Hodges)** Okay. And if you look at the last  
14 page of Exhibit No. 11 --

15                   **THE INTERPRETER:** It's supposed to be 12.

16           **MR. HODGES:** Excuse me, 12. I apologize.

17                   **THE INTERPRETER:** Last page.

18           **MR. HODGES:** Yes, some of which I acknowledge  
19 is illegible. But you can show --

20           **Q. (Mr. Hodges)** You can see that the amount of  
21 \$60,000 is provided, is transferred, can you not, Mr. Hamed?

22                   **MR. HARTMANN:** Object as to form.

23                   Also, once again, object to a document that  
24 we've never seen before and wasn't supplied to us in  
25 discovery. It doesn't match Bates numbers that we were

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1 given on our discovery sheets.

2 **THE INTERPRETER:** For me, it's not legible.

3 I mean, I can ask him, but I don't --

4 **MR. HARTMANN:** I can't read it either.

5 **THE INTERPRETER:** I don't see it.

6 He says, I don't -- I can't see. I don't

7 know.

8 **Q. (Mr. Hodges)** You can't tell that that's \$60,000?

9 **THE INTERPRETER:** He says, I don't know.

10 You want to point it out?

11 **Q. (Mr. Hodges)** Mr. Yusuf?

12 **MR. HARTMANN:** I guess he didn't hear you.

13 **MR. HODGES:** Mike, do you see \$60,000?

14 **MR. FATHI YUSUF:** Bank of Cairo Amman.

15 That's his signature right here. His signature. His

16 signature in the left hand.

17 **MR. HODGES:** Excuse me. Let me just show

18 you --

19 **MR. HARTMANN:** I'm sorry. What's the pending

20 question? He asked you to ask him something?

21 **THE INTERPRETER:** If he can see there's been

22 a disbursement here of 60,000, and his signature is here.

23 The number 60,000.

24 **MR. HARTMANN:** Is that a question --

25 **MR. HODGES:** Yeah.

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1                   **MR. HARTMANN:** -- the attorney asked you?

2           **Q. (Mr. Hodges)** Mr. Hamed, is this your check on the  
3 Cairo Amman Bank for 60,000 U.S. dollars signed by you?

4                   **THE INTERPRETER:** He says, I don't know.

5                   **THE WITNESS:** I don't know nothing about it.

6                   **MR. HARTMANN:** That's okay.

7           **A.** I don't know.

8           **Q. (Mr. Hodges)** Would you agree with me, Mr. Hamed,  
9 that all of the money that is -- that is shown in  
10 Exhibit No. 12 came from your accounts?

11                   **MR. HARTMANN:** Object. Asked and answered.  
12 Object, improper form.

13                   **THE INTERPRETER:** Only for the -- just for  
14 the concrete plant. What I received --

15                   **THE REPORTER:** Just for the?

16                   **THE INTERPRETER:** Just for the concrete  
17 plant.

18                   All the monies I received were for the  
19 concrete plant.

20           **Q. (Mr. Hodges)** Okay. So it's -- you deny ever  
21 receiving any money from your son or any other source to pay  
22 additional monies to the batch plant over the \$662,000?

23                   **MR. HARTMANN:** Object. Asked and answered.  
24 Object to form.

25           **Q. (Mr. Hodges)** Is that right?

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1                   **THE INTERPRETER:** I'm sorry. Forgive me.  
2 Please repeat the question. I apologize.

3           **Q. (Mr. Hodges)** You deny ever receiving any  
4 additional funds over and above the \$662,000 to -- to -- to  
5 pay the batch plant for a concrete pump that they needed?

6                   **THE INTERPRETER:** And I'll -- and I'll swear  
7 by that.

8                   **THE WITNESS:** I swear.

9                   **THE INTERPRETER:** I have not received but  
10 those monies.

11                   **MR. HODGES:** This will be No. 13, gentlemen.

12  
13                   (Deposition Exhibit No. 13 was  
14                   marked for identification.)

15                   **MR. HARTMANN:** Thank you.

16                   Exhibit 13 is a -- starts with a single page  
17 labeled Mohammad Hamed, Scotiabank, 45096814, Bates numbered  
18 UC003086, which is Bates numbered in a different manner but  
19 continues with 003087, serially through UC003131-Mohammad.

20                   I once again object to this document. I  
21 think it's been altered. I think the Bates number has been  
22 falsified on it. I think that it -- the front page is  
23 different than the rest, and we also didn't receive the  
24 front page.

25                   So I'd object to it's being used as an

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1 exhibit today to question the witness.

2 **MR. HODGES:** Do you have some basis for  
3 declaring --

4 **MR. HARTMANN:** Yes, that it --

5 **MR. HODGES:** -- that this is falsified?

6 **MR. HARTMANN:** Yeah, that it matches -- the  
7 front page of this matches the type face font and printout  
8 method that was on the falsified front page of FY00220, and  
9 these have -- these have Bates numbers that seem to be  
10 continuous but don't come from that grouping, according to  
11 our documents records.

12 **MR. HODGES:** Then why would you automatically  
13 assume that something's been falsified, Mr. Hartmann?

14 **MR. HARTMANN:** Because the documents have  
15 been altered. These front documents have nothing to do with  
16 the other documents, and Bates -- false Bates numbers have  
17 been placed on them.

18 **Q. (Mr. Hodges)** Mr. Hamed --

19 **MR. HARTMANN:** And they're not on the  
20 discovery list you gave us. So you're examining the witness  
21 with documents never produced with false Bates numbers, and  
22 one of them your co-counsel said was produced by Mr. --  
23 excuse me -- Iman.

24 Other than that, they're fine.

25 **Q. (Mr. Hodges)** Mr. Hamed, is this a copy from --

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1 Exhibit No. 13, second page, throughout the balance of the  
2 exhibit, is that a copy of your Bank of Nova Scotia bank  
3 statement?

4 **MR. HODGES:** Objection. Objection.

5 **MR. HARTMANN:** You have to answer to him.

6 **MR. HODGES:** Are you --

7 **THE INTERPRETER:** He's asking me the dates.

8 Where -- where are you getting these numbers  
9 from?

10 **Q. (Mr. Hodges)** The numbers that you're looking at  
11 are from the account.

12 **THE INTERPRETER:** He says -- he says, Where  
13 are you getting this?

14 **MR. HODGES:** I'm not answering his questions.  
15 Does he not know what this document is?

16 **THE INTERPRETER:** He says, I don't know what  
17 it is, and I don't deal with it.

18 **A.** You get me a number, I'm twenty years ago.  
19 (Speaking in Arabic.)

20 **THE INTERPRETER:** He says, Where are you  
21 getting this from? I'm trying to --

22 What I understood him to say is he's trying  
23 to open a grocery, and -- and you're telling me I have this  
24 money.

25 **MR. HODGES:** Trying to open his grocery?

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1                   **MR. WALEED HAMED:** Buy groceries.

2           **A.** You have 251,000.

3                   **THE INTERPRETER:** He says -- he says he's not  
4 aware that he ever had this much money in this account. He  
5 says, I don't have money to buy groceries, and you're  
6 telling me I have this money.

7                   **MR. HODGES:** This was from November of --

8           **A.** (Speaking in Arabic.)

9           **Q. (Mr. Hodges)** This is from November of 2000  
10 through December of 2002. We're not talking about  
11 currently.

12                   **THE INTERPRETER:** Until when, December 2002?

13                   **MR. HODGES:** Tell us what he says.

14                   **THE INTERPRETER:** He says, I can sign or  
15 vouch from you that I've never been able to save this much  
16 money in my account. How is -- how are you coming up with  
17 this?

18           **Q. (Mr. Hodges)** So is it Mr. Hamed's testimony that  
19 this is mistaken, the 251,000 --

20           **A.** (Speaking in Arabic.)

21           **Q.** Pardon me, sir.

22                   -- that \$251,000 did not go through his Bank  
23 of Nova Scotia account reflected on Exhibit No. 13?

24                   **MR. HARTMANN:** Object. Object.

25                   **MR. HODGES:** Will you let me finish?

**MOHAMMAD HAMED -- DIRECT**

1                   **MR. HARTMANN:** Certainly.

2                   **MR. HODGES:** God.

3                   Is Mr. Hamed testifying that he is not aware  
4 of \$251,000 going through his Bank of Nova Scotia account  
5 from November of 2000 through December of 2002?

6                   **MR. HARTMANN:** Object. Nowhere on the  
7 document that you directed his attention to, which is the  
8 second page, he's looking at the second page, is there  
9 two --

10                  **MR. HODGES:** I have not asked him to limit  
11 his attention to the second page.

12                  **MR. HARTMANN:** Yes, you did. You asked  
13 him -- he's looking at the second page of this document at  
14 your request, and the only place it says \$251,670 is in  
15 handwriting.

16                  **Q. (Mr. Hodges)** Mr. Hamed, look at this entire  
17 document.

18                  **MR. HARTMANN:** Okay. Can he have it  
19 translated into English -- I mean, into Arabic, please?

20                  **Q. (Mr. Hodges)** Mr. Hamed, did you get a translator  
21 every time you got a bank statement from Bank of Nova  
22 Scotia?

23                  **THE INTERPRETER:** He says, My sons bring the  
24 mail. They put it on the table. Nobody interprets it for  
25 him.



**MOHAMMAD HAMED -- DIRECT**

1           **Q. (Mr. Hodges)** Okay. And Bank of Nova Scotia  
2 doesn't issue statements or deposit slips in Arabic, do  
3 they, Mr. Hamed?

4                   **THE INTERPRETER:** He says, No.

5           **Q. (Mr. Hodges)** You agree with me that the bank  
6 account that you had at Scotiabank was here on St. Croix,  
7 isn't that right?

8                   **THE INTERPRETER:** Yes.

9           **A.** Where is this number, you get it?

10          **Q. (Mr. Hodges)** Well, if you went through your bank  
11 statements and added up all the numbers --

12          **A.** My bank statements --

13                   **MR. HARTMANN:** Object. You're testifying,  
14 Counsel.

15                   **MR. HODGES:** No, you're objecting before I  
16 finish my question, once again.

17          **Q. (Mr. Hodges)** Mr. Hamed, if you read your bank  
18 statements that you get monthly from the Bank of Nova Scotia  
19 and added up all the deposits, perhaps you would find that  
20 the number was \$251,000.

21                   Isn't that possible?

22                   **MR. HARTMANN:** Object as to form.

23                   **THE INTERPRETER:** November 2000 to what?

24                   **MR. HODGES:** November 2000 to December 2002?

25          **A.** I -- never I have this number, man.

MOHAMMAD HAMED -- DIRECT

1                   **THE INTERPRETER:** He says he's never had this  
2 number.

3                   **MR. HODGES:** He's never had this account  
4 number?

5           **A.** No.

6                   **THE INTERPRETER:** No, that's not his  
7 question.

8           **A.** Well, I don't know who put it there.

9           **Q.** (Mr. Hodges) All right. So you're not aware  
10 that --

11           **A.** You got me that before two years, 2'02.

12           **Q.** Look at --

13           **A.** Or 2000. And you tell me this, too, you have it?  
14 I don't have it. I never have it, \$251,000. No.

15                   **THE REPORTER:** I need to stop.

16                   **MR. HODGES:** Okay.

17                   **THE VIDEOGRAPHER:** Going off record at 5:13.

18                   (Whereupon the deposition concluded

19                                   at 5:13 p.m.)

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**CERTIFICATE****C-E-R-T-I-F-I-C-A-T-E**

1  
2  
3 I, CHERYL L. HAASE, a Registered Professional Reporter  
4 and Notary Public No. NP-158-03 for the U.S. Virgin Islands,  
5 Christiansted, St. Croix, do hereby certify that the above  
6 and named witness, MOHAMMAD HAMED, was first duly sworn to  
7 testify the truth; that said witness did thereupon testify  
8 as is set forth; that the answers of said witness to the  
9 oral interrogatories propounded by counsel were taken by me  
10 in Stenotype and thereafter reduced to typewriting under my  
11 personal direction and supervision.

12 I further certify that the facts stated in the caption  
13 hereto are true; and that all of the proceedings in the  
14 course of the hearing of said deposition are correctly and  
15 accurately set forth herein.

16 I further certify that I am not counsel, attorney or  
17 relative of either party, nor financially or otherwise  
18 interested in the event of this suit.

19 IN WITNESS WHEREOF, I have hereunto set my hand as such  
20 Certified Court Reporter on this the 21st day of April,  
21 2014, at Christiansted, St. Croix, United States Virgin  
22 Islands.

23 \_\_\_\_\_  
24 Cheryl L. Haase, RPR  
25 My Commission Expires 2/10/16