

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

UNITED CORPORATION,)	Case No. SX-13-CV-03
)	
<i>Plaintiff,</i>)	ACTION FOR DAMAGES INJUNCTIVE
)	RELIEF AND DECLARATORY RELIEF
)	
v..)	
)	
WALEED HAMED,)	
)	
<i>Defendant.</i>)	
)	

**DEFENDANT WALEED HAMED'S
RULE 12(c) MOTION TO DISMISS FOR LACK OF STANDING**

Waleed Hamed, by and through his undersigned counsel, files this Rule 12(c) Motion to Dismiss for Lack of Standing (this "Motion") and respectfully requests that the Court dismiss this action pursuant to *Rule 12(c)*, which states:

(c) MOTION FOR JUDGMENT ON THE PLEADINGS. After the pleadings are closed—but early enough not to delay trial—a party may move for judgment on the pleadings.

In this regard, on April 7, 2014, the plaintiff herein, United Corporation, filed a pleading in a related case on St. Croix admitting that the Plaza Extra store where the defendant is employed is owned by a partnership, not United Corporation. See ¶ 7 on page 3-4 of **Exhibit 1** attached.¹ Additionally, United's counsel, in that case, has confirmed this fact in an email sent shortly after this pleading was filed, stating it has always been the Hamed/Yusuf partnership operating this store. See **Exhibit 2** attached.

In short, those alleged claims belong to Mr. Hamed's employer, the partnership, not United,

¹ Indeed, in that filing United not only makes this concession, but one of the partners in the partnership (Fathi Yusuf) that employs the Defendant seeks to dissolve the partnership and lay off all of the employees, including the Defendant in this case.

who is nothing more than the Landlord at the shopping center where Plaza Extra Supermarkets East is located.

WHEREFORE, Mr. Hamed respectfully requests that the Court (i) enter an order in substantially the same form as that attached hereto as Exhibit A dismissing this action pursuant to Fed.R.Civ.P. 12(c); (ii) award to Mr. Hamed his costs, including attorneys' fees in connection with this action; and (iii) grant to Mr. Hamed such other and further relief as is just and proper.

Respectfully submitted,

ECKARD, PC

By: 

Dated: April 23, 2014

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Counsel to Waleed Hamed

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via electronic mail by parties' stipulation on this April 23, 2014 to the following:

Nizar A. DeWood, Esq.
dewoodlaw@gmail.com

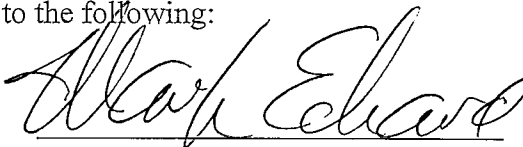


EXHIBIT A

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

UNITED CORPORATION,

Plaintiff,

v..

WALEED HAMED,

Defendant.

) Case No. SX-13-CV-03

)

) ACTION FOR DAMAGES INJUNCTIVE

) RELIEF AND DECLARATORY RELIEF

)

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ORDER

Upon the motion of Waleed Hamed to dismiss this action pursuant to Fed.R.Civ.P. 12(c), as made applicable by Super. Ct. R. 7, and being fully advised in the premises, it is hereby

ORDERED that the above-captioned civil action is and shall be **DISMISSED WITH PREJUDICE** and it is further

ORDERED that Mr. Hamed shall file within thirty (30) days of the entry of this Order an accounting of costs and fees, including attorneys' fees, expended in connection with the above-captioned civil action and it is further

ORDERED that the above-captioned plaintiff shall pay the full amount of costs, including attorneys' fees, awarded by the Court after review of same.

SUPERIOR COURT JUDGE

ATTEST:

Deputy Clerk