

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

**MOHAMMAD HAMED**, by his )  
authorized agent **WALEED HAMED**, )  
)  
*Plaintiff/Counterclaim Defendant*, )

vs. )

**CIVIL NO. SX-12-CV-370**

**FATHI YUSUF** and )  
**UNITED CORPORATION**, )  
)  
*Defendants/Counterclaimants*, )

vs. )

**ACTION FOR DAMAGES  
INJUNCTIVE RELIEF AND  
DECLARATORY RELIEF**

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

**JURY TRIAL DEMANDED**

**PLAINTIFF'S MOTION AND MEMORANDUM FOR RECONSIDERATION  
OF THE COURT'S ORDER RE-OPENING FACT DISCOVERY**

On May 7, 2014, Defendants filed an "emergency motion" to extend the scheduling deadlines, captioned "AS A RESULT OF NEW INFORMATION." The motion then referenced the recent receipt of new documents delivered in dozens of boxes from the Department of Justice. Defendants then explained to the Court the need to have more time to review, scan and then study these voluminous boxes so that they could be used to complete discovery. *At the time of this motion, the only fact discovery still open was the completion of fact depositions.*

On, May 15, 2014, this Court entered an Order before Plaintiff's response to the motion was due, finding that the reasons stated in the motion stated good cause for granting an extension for the reasons requested. While an opposition had been drafted when the Order was received, the parties had already begun the scanning process.

Plaintiff's Motion and Memorandum re  
Reconsideration of Court's Order Re-Opening Fact Discovery

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Thus, Plaintiff decided it would live with the Order and proceed with addressing the DOJ scanning process.<sup>1</sup>

In its Order, the Court re-opened all fact discovery, apparently inadvertently, as the emergency request was limited to the need for additional time to review the DOJ documents, as the motion did not mention the need to do EXTENSIVE further written discovery. Indeed, fact discovery related to written discovery (document requests and interrogatories) was closed.

Defendants have now just served four massive document production requests on the four counterclaim defendants who are the Plaintiff's sons. **See Exhibits A, B, C and D.** Each one has more than thirty (30) requests for documents, seeking records from the party, his children, his wife, parents, brothers "and any other third parties" for a period covering almost 30 years. For example:

1. Please produce all financial records including statements of account for all checking, savings, credit, investment, trust, or escrow accounts, you and Hamed have or had at any bank or financial institution anywhere in the world **from 1986 through the present**, including but not limited to:

Chase Account No. 721-047688  
Scotia Bank Account No. 34622  
Banco Popular 17886-5  
Raymond James & Assoc. Account No. 6084  
Raymond James & Assoc, AccountNo. 1124  
Raymond James & Assoc. AccountNo. 0982  
Raymond James & Assoc. Account No. 6098  
Amex Gold Card (Waheed) 3782-925489-33001  
Amex Gold Card (Firyal) 3782-925489-33001

All of this could have been asked when the time for written discovery was open, which deadline had been extended several times at Defendants' request before the May 7<sup>th</sup> emergency motion. More importantly, **not one word was mentioned in Defendants' emergency motion about the need to do extensive, additional written discovery.**

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<sup>1</sup> Indeed, Plaintiff did not oppose Defendants' follow-up request to adjust these deadlines slightly.

Plaintiff's Motion and Memorandum re  
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Indeed, had Defendants mentioned the need to reopen written discovery, this Court would have at least had a chance to evaluate whether there was an emergency justifying the need for additional written discovery.

The voluminous written discovery now received is completely unrelated to the "new information" described in the emergency motion. It will be an undue hardship to answer. Indeed, it is **clearly a fishing expedition** to try to find something to give substance to their vague, bare bones counterclaims against the four Hamed sons, which are the subject of a Rule 12(b)(6) motion to dismiss. Such specificity did not appear in the pleadings and repeated requests to specifically identify any alleged wrongdoing in discovery have gone totally unanswered.

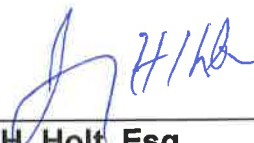
In any event, clearly the Court did not base its decision to extend the discovery deadlines on anything other than the need to review the new DOJ documents.

As the Court entered its Order before the time to respond had expired and its Order reopened all fact discovery and not just the limited extension requested "as a result of new information," it is respectfully requested that this Court reconsider its Order and limit the extension of fact discovery to (1) the new materials produced by the DOJ and (2) the completion of fact depositions, which deadline had not expired when the emergency motion was filed.<sup>2</sup> A proposed Order is attached.

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<sup>2</sup> This Court has authority to reconsider this Order, as less than 14 days have passed and there was clearly no intent to reopen written fact discovery. Indeed, this Court need not even await a response from Defendants to this motion, as no request to reopen written fact discovery was mentioned in the emergency motion that this Court granted without awaiting a response from Plaintiff.

Dated: May 27, 2014



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of May, 2014, I served a copy of the foregoing Motion by email, as agreed by the parties, on:

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