

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

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

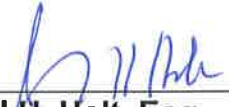
**NOTICE OF DEFENDANTS' NON-RESPONSE RE
REQUEST TO STIPULATE TO EXISTENCE OF PARTNERSHIP**

As previously discussed with the Court on May 29th, on June 10th Plaintiff requested that Defendants stipulate to the existence of the partnership (**Exhibit 1** attached). No response was received. Apparently Defendants want the benefit of being able to move past the issue of dissolving their business relationship with Plaintiff without admitting there is a partnership. This approach is consistent with Fathi Yusuf's deposition testimony on April 2, 2013, (See **Exhibit 2** at p. 89) as follows:

I keep saying "partner," but you understand what I mean. My partnership is different to what is in the Virgin Islands Code. My partner is according to our commitment. I respect the code, but I did not enter with these people according to the Virgin Islands Code.

Thus, it is respectfully submitted that this Court needs to address Plaintiff's pending partial summary judgment motion regarding the existence of the partnership.

Dated: June 23, 2014



Joel H. Holt, Esq.
Counsel for Mohammad Hamed
Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, VI 00820
Email: holtvi@aol.com

Carl J. Hartmann III, Esq.
Counsel for Waheed Hamed
5000 Estate Coakley Bay, L-6
Christiansted, VI 00820
Telephone: (340) 719-8941
Email: carl@carlhartmann.com

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June, 2014, I served a copy of the foregoing by email, as agreed by the parties, on:

Nizar A. DeWood
The DeWood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820
dewoodlaw@gmail.com

Gregory H. Hodges
Law House, 10000 Frederiksberg Gade
P.O. Box 756
ST.Thomas, VI00802
ghodges@dtflaw.com

Mark W. Eckard
Eckard, P.C.
P.O. Box 24849
Christiansted, VI 00824
Email: mark@markeckard.com

Jeffrey B. C. Moorhead
CRT Brow Building
1132 King Street, Suite 3
Christiansted, VI 00820
email : jeffreymlaw @yahoo.com



JOEL H. HOLT, ESQ. P.C.

2132 Company Street, Suite 2
Christiansted, St. Croix
U.S. Virgin Islands 00820

Tele. (340) 773-8709
Fax (340) 773-8677
E-mail: holtvi@aol.com

June 10, 2014

Nizar A. DeWood
The DeWood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820

Gregory H. Hodges
VI Bar No. 174
Law House, 10000 Frederiksberg Gade
P.O. Box 756
ST. Thomas, VI 00802


Via Email

Re: Partnership Stipulation

Dear Counsel:

Please let me know if the attached stipulation is acceptable. If so, please sign and return and I will withdraw the pending motion for partial summary judgment. Thank you.

Cordially,


Joel H. Holt
JHH/jf
Enclosure



**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
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MOHAMMAD HAMED, by his)
authorized agent **WALEED HAMED**,)
)
 Plaintiff/Counterclaim Defendant,)
)
 vs.)
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 FATHI YUSUF and)
 UNITED CORPORATION,)
)
 Defendants/Counterclaimants,)
)
 vs.)
)
 WALEED HAMED, WAHEED)
 HAMED, MUFEED HAMED,)
 HISHAM HAMED,)
 and **PLESSEN ENTERPRISES, INC.**,)
)
 Counterclaim Defendants.)
)
 _____)

CIVIL NO. SX-12-CV-370

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

JURY TRIAL DEMANDED

STIPULATION

Come now the parties by their respective counsel and hereby stipulate that there is a partnership between Fathi Yusuf and Mohammad Hamed that operates the three Plaza Extra Supermarkets, which partnership owns all funds in the bank accounts for these three stores, including but not limited to the Popular Securities Account and the Merrill Lynch accounts (currently frozen by the TRO in the pending criminal case), as well as the inventory and equipment in all three stores, the tradename "Plaza Extra" and the stock in Associated Grocers, along with any and all other assets owned by these three stores.

Dated: June 10, 2014

By the Plaintiff:

Joel H. Holt, Esq., VI BAR No. 6
Counsel for Plaintiff
Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, VI 00820
Email: holtvi@aol.com
Tele: (340) 773-8709
Fax: (340) 773-8677

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

Dated: June ____, 2014

By the Defendants:

Nizar A. DeWood
Counsel for Defendants
The DeWood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820

Gregory H. Hodges
Counsel for Defendants
Law House, 10000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00802
ghodges@dtflaw.com

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

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

vs.)

WALEED HAMED, WAHEED HAMED, MUFEEED)
HAMED, HISHAM HAMED, and PLESSEN)
ENTERPRISES, INC.,)

Additional Counterclaim Defendants.)

THE VIDEOTAPED ORAL DEPOSITION OF FATHI YUSUF

was taken on the 2nd 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
9:17 a.m. and 4:16 p.m., pursuant to Notice and Federal
Rules of Civil Procedure.

Reported by:

Cheryl L. Haase
Registered Professional Reporter
Caribbean Scribes, Inc.
2132 Company Street, Suite 3
Christiansted, St. Croix U.S.V.I.
(340) 773-8161

Bumberg No. 5208

EXHIBIT

2

ORIGINAL

FATHI YUSUF -- DIRECT

1 **THE VIDEOGRAPHER:** Please swear the witness.

2 **THE REPORTER:** Raise your right hand, please.

3 **THE WITNESS:** Stand up.

4 **THE REPORTER:** No. You're fine.

5 **FATHI YUSUF,**

6 Called as a witness, having been first duly sworn,

7 Testified on his oath as follows:

8 **DIRECT EXAMINATION**

9 **BY MR. HOLT:**

10 **Q.** Can you state your name for the record, please?

11 **A.** My name, Fathi, F-A-T-H-I; last name, Yusuf,
12 Y-U-S-U-F.

13 **Q.** And can you tell me where you reside?

14 **A.** Where do I live?

15 **Q.** Yep.

16 **A.** 92C La Grande Princesse in Christiansted,
17 St. Croix.

18 **Q.** Are you married?

19 **A.** Yes.

20 **Q.** And what's your wife's name?

21 **A.** F-A-W-Z-I-A, same last name.

22 **Q.** And are you involved with a company called
23 United Corporation?

24 **A.** Yes, I do. I am.

25 **Q.** And first of all, can you tell me what ownership

FATHI YUSUF -- DIRECT

1 water, and that water was going in for the poor, his family
2 and my family. But my commitment only for ten years. Only
3 for ten years.

4 Three -- two or three years before the
5 expiration of my commitment, I have to find a fair price
6 after the ten years is finished. What is the fair price?
7 Because really, I don't want to take advantage of my
8 partner, period. You know? I keep saying "partner," but
9 you understand what I mean. My partnership is different to
10 what is in the Virgin Islands Code. My partner is according
11 to our commitment. I respect the code, but I did not enter
12 with these people according to the Virgin Islands Code.
13 According to our agreement.

14 Okay. Now, I say, What is fair? St. Croix
15 store, St. Thomas store is much smaller, and is doing better
16 business. Selling more. If I want to charge 7.25 a square
17 foot, that's not fair. I have a much larger store, and the
18 store, even though it's larger, it sells less.

19 I say, Wally, to be fair with you and myself,
20 I want to charge in, when the -- when my commitment finish
21 with you guys, I will charge you according for percentage on
22 sale, according to St. Thomas percentage.

23 He said, That's fair.

24 Q. Okay. Now, I'm going to cut you off right there
25 because he's going to cut that tape off. Then we're going