

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

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

**COUNTERCLAIM DEFENDANT WAHEED HAMED'S REQUESTS FOR  
ADMISSIONS TO FATHI YUSUF**

Each of the following requests is to be answered subject to the following three provisions:

A. Plaintiff asserts the existence of a stipulation with regard to acts of money laundering, tax evasion and related criminal matters entered into on March 31, 2014. If you agree that this stipulation exists, you need not respond to a request, but can simply indicate: "Not Answered Pursuant to the March 31, 2014 Stipulation."

B. Plaintiff asserts a Statute of Limitation bar to acts prior to 2006. If you agree that this bar exists, you need not respond to a request, but can simply indicate: "Not Answered Pursuant to the SOL Bar."

C. Plaintiff asserts that such requests at this time are untimely and has filed a motion in this regard. If you agree, you need not respond to a request, but can simply indicate: "Not Answered as untimely."

## **REQUESTS**

Plaintiff, by counsel, propounds the following Requests pursuant to Rule 36 of the Federal Rules of Civil Procedure, on the Counterclaimant, Fathi Yusuf.

### **DEFINITIONS**

Unless otherwise specified, or the context of the Request requires otherwise, answers to these Requests shall be governed by the following definitions:

"United" or "United Corp" shall mean the defendant United Corporation.

"Yusuf" or "You" shall mean defendant Fathi Yusuf.

"Hamed" shall mean the Counterclaim Defendant herein Willie Hamed.

### **REQUESTS**

1. ADMIT or DENY that on March 31, 2014, Gregory Hodges was legal counsel for Fathi Yusuf and United Corporation.

2. ADMIT or DENY that prior to the taking of any deposition on March 31, 2014, Gregory Hodges had a discussion with Joel H. Holt who was counsel for Mohammad Hamed.

3. ADMIT or DENY that on May 4, 2014, Gregory Hodges sent an email to Carl Hartmann, with a copy to Joel Holt and Nizar DeWood in which he stated that he had a discussion with Joel Holt "that questions would not be asked at deposition that might adversely impact the criminal case or require invocation of the Fifth Amendment."

4. ADMIT or DENY that prior to the taking of any deposition on March 31, 2014, Gregory Hodges approached Carl Hartmann and asked him to have a discussion outside of the deposition room.

5. ADMIT or DENY that prior to the taking of any deposition on March 31, 2014, Gregory Hodges had a discussion outside of the deposition room with Carl Hartmann.

6. ADMIT or DENY that prior to the taking of any deposition on March 31, 2014, in Gregory Hodges' discussion with Carl Hartmann referenced in Request to Admit #5, Gregory Hodges asked Hartmann for a stipulation that the parties would not ask each other questions "that might adversely impact the criminal case."

7. ADMIT or DENY that prior to the taking of any deposition on March 31, 2014, in Gregory Hodges discussion with Carl Hartmann referenced in Request to Admit #5, Gregory Hodges asked Hartmann for a stipulation that the parties would not ask each other questions "that might that might require invocation of the Fifth Amendment."

8. ADMIT or DENY that prior to the taking of any deposition on March 31, 2014, in Gregory Hodges discussion with Carl Hartmann referenced in Request to Admit #5, Hartmann asked Hodges how such a stipulation would work when it came time for trial.

9. ADMIT or DENY that prior to the taking of any deposition on March 31, 2014, in Gregory Hodges' discussion with Carl Hartmann referenced in Request to Admit #5, Hodges stated that the he parties would not be asked any questions *in deposition or at trial* with regard to the criminal case or the acts by them or others with regards to tax evasion, money laundering or related matters.

10. ADMIT or DENY that on April 24th, 2014, Gregory Hodges received an email from Carl Hartmann which stated:

Greg: Please send me what you understood the stipulation you asked me to observe in depositions to have been. My recollection is that the witnesses were:

Not to be asked any questions in deposition or at trial with regard to the criminal case or the acts by them or others with regards to tax evasion, money laundering or related matters.

If your recollection is different please inform me. Carl

11. ADMIT or DENY that on April 24th, 2014, Gregory Hodges received an email from Carl Hartmann which stated:

Greg: I am confused – do you not intend to respond at all with regard to this stipulation?

If you do not want to discuss with me – you and Joel have to get together and get something down before any further deposition[s] go forward or get scheduled.  
Carl

12. ADMIT or DENY that on April 24th, 2014, Gregory Hodges sent an email to Carl Hartmann which stated:

Carl, I will respond shortly. This just hasn't gotten very high on my priority list yet. Thanks for your patience. Gregory H. Hodges

13. ADMIT or DENY that with regard to the July 8, 2009 DECLARATION OF SPECIAL AGENT THOMAS L. PETRI, you were a defendant in the case (1:05-cr-00015-RLF-GWB, D.V.I.) on July 8, 2009.

14. ADMIT or DENY that with regard to the July 9, 2009 DECLARATION OF SPECIAL AGENT CHRISTINE ZIEBA, attached as Exhibit 2, you were a defendant in the case (1:05-cr-00015-RLF-GWB, D.V.I.) on July 8, 2009.

15. ADMIT or DENY that in 2003, Attorney Robert King was your attorney with regard to 1:05-cr-00015.

16 ADMIT or DENY that In 2003, Robert King was afforded complete access to seized evidence in the possession of the FBI.

17. ADMIT or DENY that In 2003, Robert King reviewed the seized evidence in the possession of the FBI.

18. ADMIT or DENY that In 2003, Robert King reviewed the seized evidence for several weeks.

19. ADMIT or DENY that In 2003, when Robert King reviewed the seized evidence for several weeks he had a copier and made copies.

20. ADMIT or DENY that In 2004 attorneys representing defendants reviewed the evidence seized in the course of the execution of the search warrants.

21. ADMIT or DENY that In 2004, when conducting that review, defendants' counsel was given "unfettered access" to all of the documents in the possession of the FBI and DOJ.

22. ADMIT or DENY that In 2004, when conducting that review, of the documents in the possession of the FBI and DOJ, the documents made available included "any box of documents at any time, including evidence seized during the searches, foreign bank records, documents obtained either consensually or by grand jury subpoena, and FBI Forms 302."

23. ADMIT or DENY that additional reviews of these FBI and DOJ documents were undertaken by defendants' counsel from November 8, 2008 through January 29, 2009.

24. ADMIT or DENY that on April 25, 2014 (entered April 29th) Judge Michael Dunston signed an Order in *United Corporation v. Willie Hamed*, ST-13-CV-101 (Superior Court, STT) which required United Corporation to:

SUPPLEMENT, by May 12, 2014, its Response in Opposition with proof by affidavit from the United States Attorney's Office that it no longer has access to review documents held by the federal government, as opposed to the facts set forth in Special Agent Thomas L. Petri's July 08, 2009, Declaration;

25. ADMIT or DENY that as of July 4, 2014, no supplemental affidavit from the

DOJ or FBI has been filed by United in *United Corporation v. Willie Hamed*, ST-13-CV-101 (Superior Court, STT).

26. ADMIT or DENY that on September 18, 2003, a Court appointed monitor was appointed to oversee and report on the finances and transactions of United Corporation and the operations of Plaza Extra Supermarkets, by the Federal District Court of the Virgin Islands.

27. ADMIT or DENY that on March 15, 2004, the Court appointed monitor referred to in #26 was in place and filed a report on the finances and transactions of United Corporation and the operations of Plaza Extra Supermarkets, as ordered by the Federal District Court of the Virgin Islands.

28. ADMIT or DENY that at no time after the Court appointed monitor's report of March 14, 2004 until January 1, 2012, did Fathi Yusuf ever take any funds not-approved by the monitor from a monitored United Corporation or Plaza Extra account.



29. ADMIT or DENY that at no time after the Court appointed monitor's report of March 14, 2004 until January 1, 2012, did Fathi Yusuf ever take any funds not-approved by the monitor from a Plaza Extra store.

30. ADMIT or DENY that at no time after the Court-appointed monitor's report of March 14, 2004 until January 1, 2012, did Fathi Yusuf ever take any goods or assets not-approved by the Court- appointed monitor from a Plaza Extra store.

31. ADMIT or DENY that at no time after the Court appointed monitor's report of March 14, 2004, did Fathi Yusuf ever submit false information to the Court-appointed monitor.

32. ADMIT or DENY that at no time after the Court appointed monitor's report of March 14, 2004, did Fathi Yusuf ever falsify documents provided to the Court-appointed monitor.

33. ADMIT or DENY that Fathi Yusuf was in charge of all business and accounting documents of United Corporation and Plaza Extra Supermarkets during the period which included January 1, 1991 to January 1, 2012.

34. ADMIT or DENY that Mohammad Hamed was Fathi Yusuf's partner in Plaza Extra Supermarkets during the period which included January 1, 1991 until January 1, 2012.

35. ADMIT or DENY that Mohammad Hamed partnership duties in Plaza Extra Supermarkets did not require him to be in charge of any business or accounting documents of United Corporation and Plaza Extra Supermarkets other than those relating to receipts of inventory during the period which included January 1, 1991 to January 1, 2012.

36. ADMIT or DENY that Fathi Yusuf was in charge of all tax filings of United Corporation and Plaza Extra Supermarkets during the period which included January 1, 1991 to January 1, 2012.

37. ADMIT or DENY that Fathi Yusuf was in charge of financial record of United Corporation and Plaza Extra Supermarkets during the period which included January 1, 1991 to January 1, 2012.

38. ADMIT or DENY that Fathi Yusuf was in charge of all intellectual property and business license applications of United Corporation and Plaza Extra Supermarkets

during the period which included January 1, 1991 to January 1, 2012.

39. ADMIT or DENY that Fathi Yusuf was in charge of all the office for United Corporation and Plaza Extra Supermarkets during the period which included January 1, 1991 to January 1, 2012.

37. ADMIT or DENY that Fathi Yusuf traded options using funds generated by sales from Plaza Extra Supermarkets.

38. ADMIT or DENY that Fathi Yusuf traded options using funds generated by sales from Plaza Extra Supermarkets with the knowledge of Mohammad Hamed.

39. ADMIT or DENY that there came a time when Fathi Yusuf lost in excess of \$15 million when trading options using funds generated by sales from Plaza Extra Supermarkets.

40. ADMIT or DENY that there came a time when, after Fathi Yusuf lost in excess of \$15 million when trading options using funds generated by sales from Plaza Extra Supermarkets, Mohammad Hamed instructed him that Yusuf could no longer use partnership funds for options trading.

41. ADMIT or DENY that after Fathi Yusuf lost in excess of \$15 million when trading options using funds generated by sales from Plaza Extra Supermarkets, and Mohammad Hamed instructed him that Yusuf could no longer use partnership funds for options trading, he lost more than another \$15 million in such funds by options trading.

42. ADMIT or DENY that prior to becoming partners with Mohammad Hamed Fathi Yusuf was the owner or majority shareholder of one or more businesses for which bankruptcy protection was filed for.

43. ADMIT or DENY that prior to becoming partners with Mohammad Hamed Fathi Yusuf had never owned or worked in a business selling groceries.

44. ADMIT or DENY that since becoming partners with Mohammad Hamed, Fathi Yusuf has -- either individually or through United Corporation -- attempted to invest in one or more businesses that have failed.

45. ADMIT or DENY that since becoming partners with Mohammad Hamed, Fathi Yusuf has -- either individually or through United Corporation -- obtained minority shareholder ownership of one or more businesses where he lost money on such investment(s).

46. ADMIT or DENY that Fathi Yusuf, his counsel or accountant has possession of copies of Yusuf's 1987 tax filings.

47. ADMIT or DENY that many business and accounting records of Plaza Extra Supermarkets were permanently lost in a fire at the Plaza Extra Supermarkets East store.

48. ADMIT or DENY that many business and accounting records of Plaza Extra Supermarkets were permanently lost in Hurricane Hugo at the Plaza Extra Supermarkets East store.

49. ADMIT or DENY that many computer-based accounting records of Plaza Extra Supermarkets prior to August 1, 2012, were permanently lost due to failure, destruction, vandalism or other failure of a hard-disk containing such records.

50. ADMIT or DENY that when many computer-based accounting records of Plaza Extra Supermarkets prior to August 1, 2012, were permanently lost due to failure, destruction, vandalism or other failure of a hard-disk containing such records, there was no backup of that drive or data.

51. ADMIT or DENY that paper accounting records of Plaza Extra Supermarkets from November 1, 1991 to August 1, 2012 are not collected in a single place.

52. ADMIT or DENY that paper accounting records of Plaza Extra Supermarkets from November 1, 1991 to August 1, 2012 are not collected in a single place.

53. ADMIT or DENY that paper accounting records of Plaza Extra Supermarkets from November 1, 1991 to August 1, 2012 are not complete.

54. ADMIT or DENY that Fathi Yusuf was in charge of accounting at Plaza Extra Supermarkets from November 1, 1991 to August 1, 2012.

55. ADMIT or DENY that Fathi Yusuf was in charge of backups and storage of both paper accounting records and computer-based accounting records of Plaza Extra Supermarkets from November 1, 1991 to August 1, 2012.

56. ADMIT or DENY that both paper accounting records and computer-based accounting records of Plaza Extra Supermarkets from November 1, 1991 to January 1, 2012 would be necessary to account for any funds removed from the stores by any person, including Willie Hamed prior to January 1, 2012

57. ADMIT or DENY that Fathi Yusuf, Plaza Extra Supermarkets and United Corporation never made any written accusation of conversion or theft by Willie Hamed which accusation was written from November 1, 1991 to January 1, 2012.

58. ADMIT or DENY that Fathi Yusuf, Plaza Extra Supermarkets and United Corporation never made any oral accusation of conversion or theft by Willie Hamed which accusation was made from November 1, 1991 to January 1, 2012.

59. ADMIT or DENY that Fathi Yusuf, Plaza Extra Supermarkets and United Corporation have no paper or computer-based account which has ever noted conversion or theft by Willie Hamed on its face created prior to January 1, 2012.

60. ADMIT or DENY that Fathi Yusuf, Plaza Extra Supermarkets and United Corporation have one or more accountants who has assisted one or more of them with paper or computer-based accounting created at times prior to January 1, 2012.

61. ADMIT or DENY that Fathi Yusuf, Plaza Extra Supermarkets and United Corporation have no communication or document by or with any such accountants which has ever noted conversion or theft by Willie Hamed on its face created prior to January 1, 2012.

62. ADMIT or DENY that the first year for which Plaza Extra supermarkets (or United operating Plaza Extra Supermarkets) have accurate and detailed accounting is 2011.



63. ADMIT or DENY that the first year for which Plaza Extra supermarkets (or United operating Plaza Extra Supermarkets) have accurate and detailed accounting is 2012.

64. ADMIT or DENY that the first year for which Plaza Extra supermarkets (or United operating Plaza Extra Supermarkets) have accurate and detailed accounting is 2013.

**Dated:** August 20, 2014



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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of August, 2014, I served a copy of the foregoing Motion by email, as agreed by the parties, on:

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