

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
Plaintiff/Counterclaim Defendant,)	
)	ACTION FOR DAMAGES,
vs.)	INJUNCTIVE RELIEF
)	AND DECLARATORY RELIEF
FATHI YUSUF and UNITED CORPORATION,)	
)	
Defendants/Counterclaimants,)	
)	
vs.)	JURY TRIAL DEMANDED
)	
WALEED HAMED, WAHEED HAMED,)	
MUFEEED HAMED, HISHAM HAMED, and)	
PLESSEN ENTERPRISES,)	
)	
Additional Counterclaim Defendants.)	
)	
)	

FATHI YUSUF'S REQUESTS FOR ADMISSION TO
MOHAMMED HAMED

TO: Joel H. Holt, Esq.
LAW OFFICES OF JOEL H. HOLT
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Defendant/counterclaimant Fathi Yusuf, through his undersigned counsel, pursuant to Super. Ct. R. 39(a) and Fed. R. Civ. P. 36, hereby propounds and serves the following Requests for Admission to Mohammed Hamed, to be answered separately and fully in writing within thirty (30) days from the date hereof.

I.

DEFINITIONS

For the purpose of these Requests for Admissions, the following words shall have the meaning indicated below:

- A. The term “You” or “Your” shall mean Mohammed Hamed, Plaintiff in this case.
- B. “Waleed” shall refer to your son, Waleed Hamed, individually and in his role or acting in his capacity as agent for or with power of attorney for you.
- C. The term “Yusuf” shall mean Fathi Yusuf, a Defendant in this case.
- D. The term “United” shall refer to United Corporation, a Defendant in this case.
- E. “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Requests for Admissions any information which might otherwise be construed to be outside their scope.
- F. “Any/All” shall both mean any and all as appropriate in order to bring within the scope of these Requests for Admissions information and documents which might otherwise be considered to be beyond their scope.
- G. “Document” as used herein shall mean any handwritten, typewritten, printed, transcribed, impressed, recorded or other physical or tangible embodiment of a communication within the scope of Fed. R. Civ. P. 34(a)(1), however produced or reproduced, now or at any time in your possession, custody or control, including but not limited to: letters, notes, preliminary drafts (including metadata), reports, spreadsheets, emails, electronic messages and/or online chats (i.e. twitter, facebook, blog, message), text messages, memoranda, interoffice communications, analyses, minutes, contracts, agreements, cables, telegrams, statements, entries, affidavits, briefs, pleadings, decrees, transcriptions, recordings, diagrams, charts, photographs, and articles, and any copies, facsimiles or reproductions of the foregoing, no matter how or by whom prepared, and all drafts prepared in connection with the foregoing. Without limitation of the term “control” as used in the preceding sentence, a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or public or private entity having actual physical possession thereof. If any document referenced in these Requests for Admission was in your possession or subject to your control, but is no longer, state what disposition was made of it, and the date or dates on which such disposition was made.

- H. The term “communication” or “communications” means the written or oral transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- I. “Relating to” or “related to” means consisting of, referring to, describing, discussing, constituting, evidencing, containing, reflecting, mentioning, concerning, pertaining to, citing, summarizing, analyzing or bearing any logical or factual connection with the matter discussed.
- J. The words “pertain to” or “pertaining to” shall mean relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- K. "Company" or "entity" means any form of business whatever organized, including, without limitation, any corporation, sole proprietorship, partnership (general or limited), joint venture, association, group, government agency, firm or other business enterprise or legal entity which is not a natural person, and means both the singular and plural.
- L. "Parties" as used herein shall be interpreted to refer to all parties to this litigation.
- M. “Person” includes a corporation, partnership or other business associate or entity, natural person and any government or governmental body, commission, board or agency.
- N. “Plaza Extra-East” refers to the Plaza Extra Store located at Sion Farm in St. Croix.
- O. “Plaza Extra-West” refers to the Plaza Extra Store located at Estate Plessen in St. Croix.
- P. “Plaza Extra-Tutu Park” refers to the Plaza Extra Store located in Tutu Park Mall, St. Thomas.
- Q. “Plaza Extra Stores” refers to the three stores, Plaza Extra-East, Plaza Extra-West and Plaza Extra-Tutu Park.
- R. “Batch Plant” refers to a concrete plant that Yusuf and Hamed agreed to contribute \$1 million dollars to acquire and donate to charity.

II.

REQUESTS FOR ADMISSIONS

1. Admit that you continued to receive substantial income from the Plaza Extra Stores after your retirement in 1996.
2. Admit that you did not file tax returns for 1997 through 2012 until 2013, despite receiving income from the Plaza Extra Stores during that time.
3. Admit that you have never paid taxes on the income you received from the Plaza Extra Stores for 1997 through 2012.
4. Admit that you did not report all of the income you received from the Plaza Extra Stores for the tax years 1986 through 1996.
5. Admit that you filed tax returns for the tax years 1983 through 1996 which you knew under reported your income for those years.
6. Admit that you have not corrected any errors on your 1983 through 1996 tax returns regarding the additional income received from the Plaza Extra Stores but not declared for those years.
7. Admit that you or your sons removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.
8. Admit that you or your sons never removed funds from the Plaza Extra Stores without filling out a receipt, check or otherwise noting it or advising Yusuf with some type of writing.
9. Admit that you or your sons could remove funds from the safes at the Plaza Extra Stores without making any record of it.
10. Admit that you or your sons could remove funds from the safes at the Plaza Extra Stores without advising anyone.
11. Admit that records relating to the funds removed from the Plaza Extra Stores by Hamed family members were destroyed, discarded or secreted by you or your sons.
12. Admit that none of the records relating to the funds removed from the Plaza Extra Stores by the Hamed family members were destroyed, discarded or secreted by you or your sons.

13. Admit that you and your sons have always had access to all of the financial records for all three Plaza Extra Stores.
14. Admit that Hamed and Yusuf always kept separate, segregated books and accounts for each of the three Plaza Extra Stores, and kept a detailed accounting open to both partners for the expenses and profits of the Plaza Extra Stores wholly separate from the unrelated business operations of United in its operation of the United Shopping Center.
15. Admit that you know the total amount your and your sons have withdrawn from the Plaza Extra Stores inclusive of salaries and documented bonuses.
16. Admit that you do not know the total amount Yusuf and his sons have withdrawn from the Plaza Extra Stores apart from salaries and documented bonuses.
17. Admit that you have not done an accounting as to the funds taken by you and your sons from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.
18. Admit that you have not done an accounting as to the funds taken by Yusuf and his sons from the Plaza Extra Stores from 1986 to date apart from salaries and documented bonuses.
19. Admit that any monies or assets you have acquired individually came from funds withdrawn from the Plaza Extra Stores.
20. Admit that you and your sons withdrew monies from the Plaza Extra Stores without advising Yusuf or his sons.
21. Admit that you and your sons have withdrawn more monies from the Plaza Extra Stores than Yusuf and his sons.
22. Admit that the \$536,405 check dated April 29, 1998 made payable to you from the Cairo Amman Bank, Account #02501171878-00 was Plaza Extra Store funds and that you have never accounted to Yusuf for the disposition of these funds.
23. Admit that when Plaza Extra-East first opened for business, you agreed with Yusuf that rent would be paid to United based on the price of \$5.55 per square foot occupied.
24. Admit that no rent has been paid by Plaza Extra-East to United for the period from January 1, 1994 through May 4, 2004.
25. Admit that rent for Plaza Extra-East was never paid in cash.
26. Admit that you are responsible to Yusuf for all actions Waleed took as your agent.

27. Admit that you are responsible to account to Yusuf for all funds withdrawn from the Plaza Extra Stores by you and your sons.
28. Admit that Hamed and Yusuf have scrupulously maintained records of withdrawals from the Plaza Extra Stores to each of them (and their respective family members), to make certain there would always be an equal (50/50) amount of these withdrawals for themselves or to designated family members.
29. Admit that an accurate and complete accounting can be given as to the withdrawals from the Plaza Extra Stores to Hamed and Yusuf (and their respective family members).

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DUDLEY, TOPPER and FEUERZEIG, LLP

Dated: August 27, 2014

By:



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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of August 25, 2014, I caused the foregoing Fathi Yusuf's Requests for Admission To Mohammed Hamed to be served upon the following in the manner indicated for each:

Joel H. Holt, Esq. (via Hand Delivery)
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