

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 INTERROGATORIES TO
WALEED HAMED

TO: Waleed Hamed, Additional Counterclaim Defendant
c/o Mark W. Eckard, Esq.
#1 Company Street
P.O. Box 24849
Christiansted VI 00824

Defendant/counterclaimant Fathi Yusuf, through his undersigned counsel, pursuant to Super. Ct. R. 39(a) and Fed. R. Civ. P. 33, hereby propounds and serves the following Interrogatories to Waleed Hamed, to be answered separately and fully in writing, under oath within thirty (30) days from the date hereof. If additional space for the answer to an Interrogatory is needed, attach a separate page and indicate the Interrogatory which is being answered.

I.
DEFINITIONS

For the purpose of these Interrogatories, the following words shall have the meaning indicated below:

- A. The term "Waleed" and/or "You" or "Your" shall mean Waleed Hamed, son of Mohammed Hamed, individually and in his role or acting in his capacity as agent for or with power of attorney for Hamed, as defined herein.
- B. The term "Hamed" shall mean Mohammed Hamed, the Plaintiff in this case.
- 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. The term "Plessen" shall refer to Plessen Enterprises, a Counterclaim Defendant in this case.
- F. The term "Criminal Case" shall refer to V.I. District Court Case No. 1:05-cr-00015-RLF-GWB.
- G. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside their scope.
- H. "Any/All" shall both mean any and all as appropriate in order to bring within the scope of these interrogatories information and documents which might otherwise be considered to be beyond their scope.
- I. "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 requested 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.

- J. The term "communication" or "communications" means the written or oral transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- K. "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.
- L. 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.
- M. "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.
- N. "Define" when used with reference to a phrase or term, means (a) state the meaning of the phrase or term; and (b) identify each person known by Hamed to have personal knowledge regarding the meaning of such phrase or term upon whose testimony Hamed presently intends to rely at trial.
- O. "Describe", means to explain fully by reference to underlying facts rather than conclusions of fact or law.
- P. "Identify" means as follows:

(A) "Identify" and "identification" when used with reference to a natural person, means to state his or her (a) full name; (b) present business and/or residence address and telephone numbers; (c) present business affiliation, address, title or position; (d)

if different from (c), the group, organization or business the person was representing at any time relevant to the answer to a specific Interrogatory; and (e) home address. If this information is not known, furnish such information as was last known.

(B) "Identify" and "identification" when used with reference to a business entity, means to state its (a) full name; (b) form or organization (e.g., corporation, partnership); (c) place of incorporation; and (d) address of its principal place of business. If this information is not known, furnish such information as was last known.

(C) "Identify" and "identification" when used with reference to an act, action, activity, omission or event, means to state (a) the identity of persons who participated in such act, action, activity, omission, or event; (b) the date and place of such act, action, activity, omission, or event in detail; and (c) the identity of each person having knowledge of the act, action, activity, omission, or event.

(D) "Identify" and "identification" when used in reference to a document, means to state (a) the type of document or some other means of identifying it (e.g., letter, memorandum, report, etc.); (b) its subject matter; (c) the identity of its author(s), signer(s), and any person who participated in its preparation; (d) the identity of each addressee or recipient; (e) the identity of each person to whom copies were sent and each person by whom copies were received; (f) its title and date; and (g) its present location and the identity of its custodian (if any such document was, but is no longer in, the possession of or subject to the control of the Defendants, state what and when disposition was made of it).

(E) "Identify" and "Identification" when used with reference to a conversation, oral communication, discussion, oral statement or interview, means (a) state the date upon which it took place; (b) identify each person who participated in it, witnessed it and/or overhead it; (c) state what was said by each such person, including the issues and matters discussed; and (d) identify each document which describes or relates to it.

Q. "Individual" or "Person" means any natural person, including without limitation, an officer, director, employee, agent, representative, distributor, supplier, independent contractor, licensee or franchisee, and it includes any corporation, sole proprietorship, partnership, joint venture, group, government agency and agent, firm or other business enterprise or legal entity, which is not a natural person, and means both the singular and the plural.

R. "Parties" as used herein shall be interpreted to refer to all parties to this litigation.

- S. "Person" includes a corporation, partnership or other business associate or entity, natural person and any government or governmental body, commission, board or agency.
- T. "Plaza Extra-East" refers to the Plaza Extra Store located at Sion Farm in St. Croix.
- U. "Plaza Extra-West" refers to the Plaza Extra Store located at Estate Plessen in St. Croix.
- V. "Plaza Extra -Tutu Park" refers to the Plaza Extra Store located in Tutu Park Mall, St. Thomas.
- W. "Plaza Extra Stores" refers to the three stores, Plaza Extra-East, Plaza Extra-West and Plaza Extra-Tutu Park.
- X. "2001 Partial Reconciliation" refers to the tallying of receipts and checks by Maher Yusuf and Mufeed Hamed relating to funds withdrawn by Yusuf and Hamed family members from Plaza Extra-East shortly before the raid by the FBI in the fall of 2001.
- Y. "Batch Plant" refers to a concrete plant that Yusuf and Hamed agreed to contributed \$1 million dollars to acquire and donate to charity.

II. **INSTRUCTIONS**

1. Each Interrogatory shall be continuing so as to require you to file supplemental answers pursuant to Fed R. Civ. P. 26.
2. Each Interrogatory calls for information in your possession, custody or control, or in the possession, custody or control of Waleed's present or former representatives, agents, consultants, contractors, subcontractors, and legal counsel, unless privileged or otherwise protected.
3. With respect to any information that is withheld on a claim of privilege, provide at the time of responding to these Interrogatories, a statement signed by an attorney representing Waleed setting forth as to each such item of information withheld:
 - (a) the identity of the person(s) having knowledge of the information;
 - (b) the identity of the persons to whom the information was communicated or otherwise made available;

(c) the job title or position of every person identified in response to subparagraphs (a) and (b);

(d) the date(s) on which the information was received or became known by each person having knowledge of its existence;

(e) a brief description of the nature and subject matter of the information; and

(f) the statute, rule or decision that is claimed to give rise to the privilege.

4. Each part of the following Interrogatories, whether a numerical paragraph or one of the subparagraphs, is to be answered separately and fully.

5. If objection is made to an Interrogatory, or any portion thereof, the Interrogatory or portion thereof shall be specified and, as to each, all reasons for objections shall be stated fully by the responding party.

6. If all the information furnished in an answer to all or any part of an Interrogatory is not within the personal knowledge of the person signing the Interrogatory, identify each person to whom all or any part of the information furnished is a matter of personal knowledge, and each person who communicated to the person signing the Interrogatory any part of the information furnished.

7. If the answer to all or any part of the Interrogatory is not presently known or available, include a statement to that effect, furnish the information known or available, and respond to the entire Interrogatory by supplemental answer in writing and under oath within ten (10) days from the time the answer becomes known or available.

III.

INTERROGATORIES

1. Identify each person who assisted in answering these interrogatories and the accompanying requests for admission, or provided any information whatsoever to assist with preparing your responses to the interrogatories and requests for admission.

2. Describe your understanding of the 2001 Partial Reconciliation whether it took place, exactly what was done, who was involved, and how so, the results of the partial reconciliation and what became of the receipts tabulated during the partial reconciliation.

3. If you dispute the removal of the \$2.7 million by Yusuf pursuant to the August 15, 2012 letter identified at FY004123-FY004210 and attached receipts, please describe in detail each and every item disputed as well as what amounts you contend should be off-set and identify any and all documentation supporting your contention.

4. Please identify all checking, savings, credit, investment, trust, or escrow accounts, you have or had in your name or upon which you had signatory authority to write checks and withdraw funds at any bank or financial institution anywhere in the world from 1986 through the present and the date the accounts were opened and closed, if any are closed, including but not limited to:
- a. Banque Fraçaise Commerciale Account No. 3878-91
 - b. Banque Fraçaise Commerciale Account No. 3878-90
 - c. Scotia Bank Account No.00308313
 - d. VI Community Bank Account No. 6086
 - e. VI Community Bank Account No. 5817
 - f. Banco Popular 194-602753
 - g. Merrill Lynch 140-16184
 - h. Merrill Lynch 140-85240
 - i. Banco Popular Visa – Account ending in 2319
 - j. Banco Popular Visa – Account ending in 2204
 - k. Amex Gold Card – Account No. 3782-925489-33001
 - l. Cairo Amman Bank – Account No. 02 501 171878 00

5. What is your explanation for the amounts listed as investment losses on Bates No. UC00203-4 of your 1993 Income Tax return, including how, when and from what source you received the funds for such investments, what brokerage account(s) were used for these investments, or, if you contend that the 1993, 1994 and 1995 Income Tax returns were in error, explain when you discovered the error and what you did, if anything, to correct the error identifying any documentation reflecting this error and your corrective actions.

6. Describe all of the means and method by which the Yusuf and Hamed family would withdraw funds from the Plaza Extra Stores for their personal benefits.

7. Describe all the means and method by which the Yusuf and Hamed families would account, note or keep track of withdrawals either from the safes or the Plaza Extra Stores' accounts, including any ledgers, books, sign-off sheets, receipts, loans, checks or any other means, including who specifically had access to the funds, whether the removal methods changed over time (i.e. before and after the FBI raid and the Criminal Case).

8. Have you or anyone under your direction ever removed, secreted, tampered with, altered or destroyed any information reflecting the withdrawals of the Hamed and Yusuf families from the Plaza Extra Stores' funds at any point in time and, if so, please describe in detail what was done and why?

9. Please describe in detail the entire transaction involving the Batch Plant, including what amounts were supposed to be transferred, who instructed the transfer, who executed the transfers, how the funds were transferred, what monies were transferred from which accounts, what monies were received in which amounts, when they were transferred and identify any and all documents reflecting the funds transferred and received and your explanation for any amounts intended for the Batch Plant that were not received.

10. Please describe the manner in which members of the Hamed and Yusuf families were able to withdraw money from the safes at the three Plaza Extra Stores, including who was responsible for which store safes during all times between 1986 and December 31, 2003, what was required to withdraw cash and how withdrawals were accounted for and whether a family member could have removed cash without providing documentation.

11. Please describe in detail the purpose of the \$536,405.00 check in attachment A hereto made payable to Hamed, the source of the monies which funded this check and what was done with the proceeds of this check.

12. Please identify all documents relating to any cash, checks or wire transfers from any Plaza Extra Accounts to Hamed and Yusuf, their family members or to third parties on their behalves from January 1, 1986 to date and your contention as to what amounts have been withdrawn by each family.

13. Describe any and all discussions you have had with Fathi Yusuf regarding the rent to be paid by Plaza Extra-East to United including, but not limited to, the amount of rent to be paid and the collection of the rent for the period January 1, 1994 through May 4, 2004.

14. As to the funds Yusuf used to trade stocks, please describe your role in depositing or approving the use of an additional funds after losses were sustained.

15. What is the source of funds used for the cash portion of the preliminary injunction bond posted in this case.

16. What is the source of funds for the acquisition and operation of the businesses known as Five Corners and Five-H Holdings, Inc. and any other businesses you have an ownership interest in apart from the Yusuf family and describe when the entities were organized and how they are owned?

17. Describe in detail the basis for issuing the check dated March 27, 2013 in the amount of \$460,000 drawn on the account of Plessen Enterprises, Inc. and payable to you, your rationale for then subsequently depositing \$230,000 with the Clerk of the Superior Court after Yusuf's son filed a complaint contesting the \$460,000 removal and what was done with the proceeds of that check?

Hamed v. Yusuf et al.

Case No. SX-12-CV-370

Yusuf's First Request for Production of Documents to Defendant Waleed Hamed

Page 24 of 25

Dated: August 27, 2014

By:

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Attorneys for Fathi Yusuf and United Corporation

CERTIFICATE OF SERVICE


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

Joel H. Holt, Esq. (via Hand Delivery)
LAW OFFICES OF JOEL H. HOLT
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2001R00389
S3-003493

APPLICATION FOR

Certified Check
 Demand Draft
 Local Treasury
 Order Transfer

Beneficiary Name: GIBSI

Total Amount to be paid: 380472

To Action/branch: Cash back

Total Amounts: In Return/benefit Cash back

Cairo Amman Bank

Date: 1998/3/14

Name: ...

Tel # ...

I. D. Information: ...

Address: ...

Pay us the equivalent as follows against your receipt to the E/CY amount in cash:

Cash

Credit the Equivalent to our Account # ...

Equivalent Amount	دينار	File	File	Exchange Rate	Amount in Foreign Currency	Type of Currency to be sold
380472	067	7093	536405			\$

Customer's Signature: ...

Branch: ...

Stamp: (2)

EXHIBIT
A
abbles

FY 003000

Cairo Amman Bank
 * Selling Request
 بيع عملة اجنبية

Date: ١٩٨٤ / ٤ / ٢٩ التاريخ
 Name:
 Tel. # :
 I. D. Information :
 Branch:
 رقم الهاتف Address

Pay us the equivalent as follows against your receipt to the E/CY amount in cash :
 Cash
 Credit the Equivalent to our Account #

القيمة المعادلة لحسابنا ليكم رقم

Equivalent Amount Dinar دينار	Amount in Foreign Currency المبلغ بالعملة الاجنبية	Type of Currency to be sold نوع العملة المطلوب بيعها
380472	536405	\$

توقيع العميل
 Customer's Signature

٣٨٠٤٧٢ ٧٥٩٣ ٧٥٥٢٧٤٧٥٧٢ ٣٨٠٤٧٢.٥٦٧٦٥

APPLICATION FOR
 Certified Check
 Demand Draft
 Local Transfer
 Telex Transfer

Beneficiary Name : GIBS
 Total Amount to be Reimbursed : ٢٠٠٠٠٠٠٠
 Cash Enclosed
 Cash ends

APPLICATION FOR
 Cash
 Demand
 Local
 Telex

2001R00389
 S3-003493

٢٠٠١-١-٥

FSI 3381 (N4-85)

٣٨٠٤٧٢ ٧٥٩٣ ٧٥٥٢٧٤٧٥٧٢ ٣٨٠٤٧٢.٥٦٧٦٥

INTERNATIONAL

Your signature

Doc # 2

من
ان
A Branch
In Jordan
check issued

B Waleed
Simp

C Mohammed
Payto

D Bank
Account #
WALEED Hamed

بنك القاهرة عمان
CAIRO AMMAN BANK
دقيق انشويق ← (A) DATE 4/22/88
دقيق انشويق
PAY BY THIS CHECK TO
← (C) TO THE ORDER OF Mohammed Hamed
موجب هذا الشيك
← (B) Signature
التوقيع
← (D) 0250117187800
THE SUM OF Five hundred and six thousand four hundred and fifty U.S. D.
5364.50

ملاحق
فلا تسد

ملاحق
فلا تسد
Passport No: 042531268
Issued: 22 JUN 89
MIAMI
USA