

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

<b>MOHAMMAD HAMED</b> , by his authorized	)	
agent <b>WALEED HAMED</b> ,	)	
	)	<b>CIVIL NO. SX-12-CV-370</b>
Plaintiff,	)	
	)	<b>ACTION FOR DAMAGES,</b>
v.	)	<b>INJUNCTIVE AND</b>
	)	<b>DECLARATORY RELIEF</b>
<b>FATHI YUSUF</b> and <b>UNITED CORPORATION</b> ,	)	
	)	
Defendants,	)	<b>JURY TRIAL DEMANDED</b>
	)	
v.	)	
	)	
<b>WALEED HAMED, WAHEED HAMED,</b>	)	
<b>MUFEED HAMED, HISHAM HAMED, and</b>	)	
<b>PLESSEN ENTERPRISES,</b>	)	
	)	
Additional Counterclaim Defendants.)	)	
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**FATHI YUSUF’S OBJECTIONS AND RESPONSES TO  
COUNTERCLAIM DEFENDANT WAHEED HAMED’S REQUESTS FOR ADMISSION**

Defendant Fathi Yusuf (“Yusuf”), through his undersigned counsel, subject to the objections set forth below, respectfully answers as follows to Counterclaim Defendant Waheed Hamed’s Requests for Admissions (“Requests”).

**PRELIMINARY STATEMENT**

These answers and objections are made solely for the purpose of this action. Each answer is subject to any and all objections as to competence, relevance, materiality, propriety, and admissibility; and any objections and grounds that would require the exclusion of any statement contained in any response, if such request were asked of, or any statement contained therein were made by, a witness present and testifying in court, all of which objections and grounds are hereby reserved and may be interposed at the time of trial.

The following answers are based upon information presently available to Yusuf and, except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that Yusuf has answered or objected to any request should not be taken as an admission that he accepts or admits the existence of any facts set forth or assumed by such Request, or that such answer constitutes admissible evidence. The fact that Yusuf has answered part or all of any such Request is not intended and shall not be construed to be a waiver by Yusuf of all or any part of any objection to such Request.

### **GENERAL OBJECTIONS**

Yusuf makes the following general objections to the Requests. Although these general objections apply to all of the Requests, for convenience, they are set forth herein and are not necessarily repeated after each objectionable request. The assertion of the same, similar, or additional objections in the individual objections to these Requests, or the failure to assert any additional objections to a request does not waive any of Yusuf's objections as set forth below:

1. Yusuf objects to each Request that uses the words "any" and "all" as being overbroad, unduly burdensome, immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.
2. Yusuf objects to each Request that seeks information that is not relevant to his or Waheed Hamed's claims or defenses.
3. Yusuf objects to each Request to the extent it seeks the disclosure or production of documents or information protected by the attorney-client, work product or other privileges.
4. Yusuf objects to each Request to the extent that it uses terms or phrases that are vague, ambiguous, or undefined.

5. Yusuf objects to each Request that seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

6. Yusuf objects to each Request to the extent it seeks information outside of his possession, custody or control on the ground that it would subject Yusuf to undue burden, oppression and expense, and impose obligations not required by the Federal Rules of Civil Procedure.

7. The information sought by the Requests may be as much as twenty-seven (27) years old. Documents that may have contained information relevant to the Requests may no longer be in existence. Thus any information provided herein may not be, and should not be considered complete, and may be subject to supplementation if additional information becomes available.

8. Yusuf objects to defined terms and instruction to the extent that they vary from applicable law and/or impose different obligations than those set forth in the Federal Rules of Civil Procedure.

**SPECIFIC OBJECTIONS AND RESPONSES**

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

**RESPONSE:**

Admitted.

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 Mohammed Hamed.

**RESPONSE:**

Denied. Yusuf is without information to confirm or deny discussions that may or may not have taken place by counsel or when they occurred and, therefore, this Request is denied. Further, since Yusuf was not a party to any such discussion, the only way he could have learned about it would be through his counsel and such information is protected by the attorney-client privilege.

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.”

**RESPONSE:**

Denied. Yusuf is without information to confirm or deny emails that were provided by counsel and, therefore, this Request is denied. Further, Yusuf objects to the extent an email was sent on May 4, 2014 by his counsel, the excerpt set forth in Request #3 is incomplete as it fails to

include the entire substance of the email communications and, therefore, is inaccurate as it fails to provide the entire context.

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.

**RESPONSE:**

Denied. Yusuf is without information to confirm or deny discussions that may or may not have taken place by counsel or when they occurred and, therefore, this Request is denied. Further, since Yusuf was not a party to any such discussion, the only way he could have learned about it would be through his counsel and such information is protected by the attorney-client privilege.

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.

**RESPONSE:**

Denied. Yusuf is without information to confirm or deny discussions that may or may not have taken place by counsel or when they occurred and, therefore, this Request is denied. Further, since Yusuf was not a party to any such discussion, the only way he could have learned about it would be through his counsel and such information is protected by the attorney-client privilege.

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.”

**RESPONSE:**

Denied. Yusuf is without information to confirm or deny discussions that may or may not have taken place by counsel or when they occurred and, therefore, this Request is denied. Further, since Yusuf was not a party to any such discussion, the only way he could have learned about it would be through his counsel and such information is protected by the attorney-client privilege.

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 require invocation of the Fifth Amendment.

**RESPONSE:**

Denied. Yusuf is without information to confirm or deny discussions that may or may not have taken place by counsel or when they occurred and, therefore, this Request is denied. Further, since Yusuf was not a party to any such discussion, the only way he could have learned about it would be through his counsel and such information is protected by the attorney-client privilege.

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.

**RESPONSE:**

Denied. Yusuf is without information to confirm or deny discussions that may or may not have taken place by counsel or when they occurred and, therefore, this Request is denied. Further, since Yusuf was not a party to any such discussion, the only way he could have learned about it would be through his counsel and such information is protected by the attorney-client privilege.

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 question *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.

**RESPONSE:**

Denied. Yusuf is without information to confirm or deny discussions that may or may not have taken place by counsel or when they occurred and, therefore, this Request is denied. Further, since Yusuf was not a party to any such discussion, the only way he could have learned about it would be through his counsel and such information is protected by the attorney-client privilege.

10. ADMIT or DENY that on April 24<sup>th</sup>, 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

**RESPONSE:**

Admitted, but without the emphasis provided above.

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

Greg: I am confused – do you not intent 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.

**RESPONSE:**

Admitted.

12. ADMIT or DENY that on April 24<sup>th</sup>, 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

**RESPONSE:**

Admitted.



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.

**RESPONSE:**

Yusuf admits that he was a defendant in 1:05-cr-00015-RLF-GWB, DVI (the “Criminal Case”) on July 8, 2009. All other portions of the Request are denied as the statements contained in the Declaration of Special Agent Thomas L. Petri (“Petri Declaration”) have been rejected by Court Order in the Criminal Case in which they were originally filed. Yusuf shows that the Petri Declaration was originally filed in the Criminal Case to rebut the criminal defendants’ joint motion that access to the records seized by the FBI was limited and that the records had been compromised. Judge Raymond L. Finch rejected the Petri Declaration and that of Special Agent Christine Zieba (“Zeiba Declaration”)(the Petri Declaration and Zeiba Declaration are collectively referred to as the “FBI Declarations”) in his Order dated July 16, 2009 finding that defendants’ access to the records had been improperly limited and the records may have been compromised. Specifically, Judge Finch found:

The Government never provided the Defendants with a detailed inventory of the specific items seized. The *Government has only permitted the Defendants limited review of the evidence under supervision* which often involves oversight by Government agents involved in investigating the case.

See Exhibit A, July 16, 2009 Order, p. 2. Judge Finch further found that the criminal defendants were “without a complete set of document for their unlimited review.” Id. Therefore, Judge Finch’s Order rejected the veracity of the FBI Declarations. Further, Defendant Waheed Hamed is precluded from relying upon these FBI Declarations in this matter or any other matter

as he argued contradictory and inconsistent positions regarding access to the FBI records in the Criminal Case. See Motion for Specific Relief Due to the Government's Destruction of the Integrity, Organization and Sources of Material Evidence, and Defendants' Reply with attached exhibits which chronicle the limited access afforded the criminal defendants filed in the Criminal Case at docket numbers 1038 and 1076 (with attachments 1-6).

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.

**RESPONSE:**

Yusuf admits he was a defendant in the Criminal Case on July 8, 2009. All other portions of the Request are denied as the statements contained in the Zieba Declaration have been rejected by Court Order. Yusuf incorporates by reference his response to Request to Admit No. 13 as if fully set forth herein verbatim.

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

**RESPONSE:**

Denied.

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

**RESPONSE:**

Denied. Further responding, Yusuf incorporates by reference his response to Request to Admit No. 13 as if fully set forth herein verbatim.

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

**RESPONSE:**

Denied. Further responding, Yusuf incorporates by reference his response to Request to Admit No. 13 as if fully set forth herein verbatim. The Court in the Criminal Case has determined that the criminal defendants have not received full and unlimited access to the seized documents in the possession of the FBI. To the extent a review occurred, 2003 is an incorrect date as evidence demonstrates the limited review occurred in 2004.

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

**RESPONSE:**

Denied. Further responding, Yusuf incorporates by reference his response to Request to Admit No. 13 and 17 as if fully set forth herein verbatim.

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

**RESPONSE:**

Denied. Further responding, Yusuf incorporates by reference his response to Request to Admit No. 13 and 17 as if fully set forth herein verbatim. To the extent a review occurred, 2003 is an incorrect date as evidence demonstrates the limited review occurred in 2004.

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

**RESPONSE:**

Denied. Further responding, Yusuf incorporates by reference his response to Request to Admit No. 13 and 17 as if fully set forth herein verbatim.

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 or DOJ.

**RESPONSE:**

Denied. Further responding, Yusuf incorporates by reference his response to Request to Admit No. 13 as if fully set forth herein verbatim.

22. ADMIT or DENY that in 2004, when conducting that review, of the documents in the possession of the FBI or 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."

**RESPONSE:**

Denied. Further responding, Yusuf incorporates by reference his response to Request to Admit No. 13 as if fully set forth herein verbatim.

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

**RESPONSE:**

Admitted that a review took place but denied in so far as there is any suggestion that the criminal defendants had full and complete access to the records. Further responding, Yusuf incorporates by reference his response to Request to Admit No. 13 as if fully set forth herein verbatim.

24. ADMIT or DENY that on April 25, 2014 (entered April 29<sup>th</sup>) 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 the documents held by the federal government, as opposed to the facts set forth in Special Agent Thomas L. Petri's July 08, 2009, Declaration;

**RESPONSE:**

Admitted. Further responding, such order was premised on an incomplete disclosure by Defendant Waheed Hamed, who failed to advise that the FBI Declarations had been rejected by Court Order in the Criminal Case. Yusuf incorporates by reference his response to Request to Admit No. 13 as if fully set forth herein verbatim.

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)

**RESPONSE:**

Admitted that a supplemental affidavit was not filed in *United Corporation v. Willie Hamed*, ST-13-CV-101 but denied that the FBI Declarations have any merit as they have already been rejected by Court Order in the Criminal Case obviating the need for supplemental affidavits. Further responding, Yusuf incorporates by reference his response to Request to Admit No. 13 as if fully set forth herein verbatim.

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.

**RESPONSE:**

Admitted.

27. ADMIT or DENY that on March 15, 2004, the Court appointed monitor referred to in #26 was in place and filed 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.

**RESPONSE:**

Admitted.

28. ADMIT or DENY that at no time after the Court appointed monitor's report of March 24, 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.

**RESPONSE:**

Yusuf states that he is not presently aware of any funds taken which required approval and, therefore, the Request is deemed admitted.

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.

**RESPONSE:**

Yusuf states that he is not presently aware of any funds taken which required approval and, therefore, the Request is deemed admitted.

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.

**RESPONSE:**

Yusuf states that he is not presently aware of any goods or assets taken which required approval for removal and, therefore, the Request is deemed admitted.

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.

**RESPONSE:**

Admit that Yusuf did not knowingly submit any false information to the 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.

**RESPONSE:**

Admit that Yusuf did not knowingly falsify any documents submitted to the 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.

**RESPONSE:**

Yusuf denies that he was "in charge" of all business and accounting documents of United Corporation and Plaza Extra Supermarkets for the period including January 1, 1991 to January 1, 2012 to the extent it presumes that no other personnel had access or responsibilities relating to the business and accounting documents. The manager for each Plaza Extra supermarket store maintained the business and accounting records for their particular store.



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

**RESPONSE:**

Yusuf has admitted that the business arrangement between himself and Mohammed Hamed for the operation of the grocery store business known as the Plaza Extra Supermarkets may be now described as a partnership. Yusuf denies the timeframe set forth in Request 34 as the dates due not correspond to the correct dates and the conclusion date remains disputed.

35. ADMIT or DENY that Mohammed 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.

**RESPONSE:**

Denied as set forth. The limited responsibilities of Mohammed Hamed have previously been described by Yusuf in deposition testimony. Further, to the extent that Mohammed Hamed acted through his son, Waleed Hamed, he maintained certain responsibilities as to the records described in Request #35. Additionally, all of the Hameds have had access to the accounting records for all of the Plaza Extra Supermarkets.

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.

**RESPONSE:**

Denied as set forth. The tax filings for United were prepared by accountants.

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

**RESPONSE:**

Denied as set forth. Yusuf denies that he was “in charge” of the financial records to the extent it presumes that no other personnel had access or responsibilities relating to such records. To the extent that Mohammed Hamed acted through his son, Waleed Hamed, he maintained certain responsibilities as to the records described in Request #37. Additionally, all of the Hameds have had access to the accounting records for all of the Plaza Extra Supermarkets.

38. (sic) ADMIT or DENY that Fathi Yusuf was in charge of all intellectual property and business applications of United Corporation and Plaza Extra Supermarkets during the period which included January 1, 1991 to January 1, 2013

**RESPONSE:**

Yusuf denies Request No. 38 to the extent it presumes that no other personnel of United had responsibilities relating to the intellectual property or business applications of United Corporation.

39. (sic) 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.

**RESPONSE:**

Yusuf objects to Request No. 39(sic) as the meaning “in charge of all the office” is vague and unclear. Yusuf admits that he was responsible for making the business decisions relating to the operations of United Corporation and the Plaza Extra supermarkets. Yusuf denies that he was “in charge of all the office” to the extent it presumes that no other personnel had access or responsibilities relating to the “office” and operations of the Plaza Extra Supermarkets. To the extent that Mohammed Hamed acted through his sons who acted as managers for the Plaza Extra stores they managed, they maintained certain responsibilities as to the records and “the office” described in Request #39(sic). Additionally, all of the Hameds have had access to the office records for all of the Plaza Extra Supermarkets.

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

**RESPONSE:**

Admitted.

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

**RESPONSE:**

Admitted.

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

**RESPONSE:**

Denied as any gain or loss must be defined by a specific period of time and no time period is set forth in this Request #39.

40. (sic) 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, Mohammed Hamed instructed him that Yusuf could no longer use partnership funds for options trading.

**RESPONSE:**

Denied that Mohammed Hamed instructed Yusuf to discontinue trading with partnership funds. Further, Yusuf denies Request #40 as any gain or losses must be defined by a specific period of time and no time period is set forth in this Request #40.

41. (sic) 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 Mohammed

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.

**RESPONSE:**

Denied as set forth. Further, Yusuf denies Request #41 as any gain or losses must be defined by a specific period of time and no time period is set forth in this Request #41.

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

**RESPONSE:**

Admitted.

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

**RESPONSE:**

Admitted.

44. (sic) ADMIT or DENY that since becoming partners with Mohammed Hamed, Fathi Yusuf has – individually or through United Corporation – attempted to invest in one or more businesses that have failed.

**RESPONSE:**

Mr. Yusuf is presently unaware of any investments in one or more businesses that have failed during this period, and therefore denies request to admit No. 44.

45. (sic) ADMIT or DENY that since becoming partners with Mohammed 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).

**RESPONSE:**

Denied.

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

**RESPONSE:**

Denied.

47. (sic) 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.

**RESPONSE:**

Denied as set forth. Yusuf objects as the Request is not limited in time and scope and is vague as to the term “many.”

48. (sic) 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.

**RESPONSE:**

Denied as set forth. Yusuf objects as the Request is vague as to the term “many.”

49. (sic) 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.

**RESPONSE:**

Denied as set forth. Yusuf objects as the Request is not limited in time and scope and is vague as to the term “many.”

50. (sic) 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 or that drive or data.

**RESPONSE:**

Denied as set forth. Yusuf objects as the Request is not limited in time and scope and is vague as to the term “many.”

51. (sic) 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.

**RESPONSE:**

Denied.

52. (sic) 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.

**RESPONSE:**

Denied.

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

**RESPONSE:**

Denied as set forth. Yusuf objects as the Request is vague as to the term “accounting records” or the term “complete.” Those paper records reflecting documented withdrawals of the Hameds and Yusufs which are relevant to an accounting of partnership funds exist and are equally accessible to the Hameds and the Yusufs. To the extent that other records relating to the Plaza Extra Supermarkets necessary for other accounting issues, Yusuf can neither confirm nor deny but further states that those records which exist are equally accessible to the Hameds and the Yusufs.

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

**RESPONSE:**

Denied as set forth. Yusuf objects to the term “in charge” as vague and undefined. Yusuf admits that he was responsible for making the business decisions relating to the operations of the supermarkets. Yusuf denies that he was “in charge” of the accounting to the extent it presumes that no other personnel had access or responsibilities relating to the accounting for the Plaza Extra



Stores. Accounting personnel and outside accountants were responsible for the accounting of matters of the Plaza Extra Supermarkets during this timeframe under the oversight of the Federal monitor for a significant portion of this timeframe. To the extent that Mohammed Hamed acted through his son, Waleed Hamed, he maintained certain responsibilities as to the accounting described in Request #54. Additionally, all of the Hameds have had access to the accounting records for all of the Plaza Extra Supermarkets.

55. (sic) 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.

**RESPONSE:**

Denied as set forth. Yusuf objects to the terms “in charge” and “backups” as vague and undefined. Yusuf admits that he was responsible for making the business decisions relating to the operations of the store. Yusuf denies that he was “in charge” of “backups” and storage of both paper and computer based accounting records to the extent it presumes that no other personnel had access or responsibilities relating to the accounting for the Plaza Extra Stores. Accounting personnel and outside accountants were responsible for the accounting of matters of the Plaza Extra Supermarkets during this timeframe under the oversight of the Federal monitor for a significant portion of this timeframe. To the extent that Mohammed Hamed acted through his son, Waleed Hamed, he maintained certain responsibilities as to the accounting described in Request #55. Additionally, all of the Hameds have had access to the accounting records for all of the Plaza Extra Supermarkets.

56. (sic) 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.

**RESPONSE:**

Denied as set forth.

57. (sic) 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.

**RESPONSE:**

Admitted.

58. (sic) 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 written from November 1, 1991 to January 1, 2012.

**RESPONSE:**

Admitted.

59. (sic) 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.

**RESPONSE:**

Denied as set forth.

60. (sic) 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.

**RESPONSE:**

Admitted.

61. (sic) 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.

**RESPONSE:**

Admitted as set forth.

62. (sic) 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.

**RESPONSE:**

Denied as set forth.

63. (sic) 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.

**RESPONSE:**

Denied as set forth.

64. (sic) 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.

**RESPONSE:**

Denied as set forth.

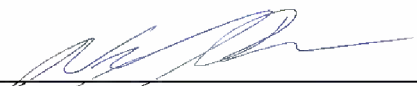
Respectfully submitted,

**DUDLEY, TOPPER AND FEUERZEIG, LLP**

Dated: September 22, 2014

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Attorneys for Fathi Yusuf and United Corporation

**CERTIFICATE OF SERVICE**

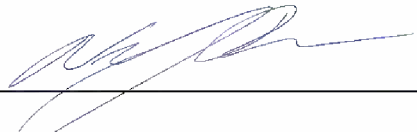
I hereby certify that on this 22<sup>nd</sup> day of September, 2014, I caused the foregoing **Fathi Yusuf's Objections and Responses to Counterclaim Defendant Waheed Hamed's Requests for Admission** to be served upon the following via e-mail:

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