

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

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

vs.)

CIVIL NO. SX-12-CV-370

FATHI YUSUF and)
UNITED CORPORATION,)
)
Defendants/Counterclaimants,)

vs.)

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

WALEED HAMED, WAHEED)
HAMED, MUFEED HAMED,)
HISHAM HAMED,)
and **PLESSEN ENTERPRISES, INC.**,)
)
Counterclaim Defendants.)

JURY TRIAL DEMANDED

**COUNTERCLAIM DEFENDANT WALEED HAMED'S
RESPONSES TO DEFENDANTS'
8/27/14 INTERROGATORIES**

Counterclaim defendant Waleed Hamed responds to the interrogatories served on him on August 27, 2014.

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 and all 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.

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

GENERAL OBJECTIONS

Waleed Hamed makes the following general objections to the Interrogatories: although these general objections apply to all of the Interrogatories, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Interrogatory. The assertion of the same, similar or additional objections in the individual objections to these Interrogatories, or the failure to assert any additional objections to an Interrogatory does not waive any of the objections as set forth below:

1. Waleed Hamed objects to each Interrogatory that seeks information that is not relevant to the claims asserted against him in this case.
2. Waleed Hamed objects to each Interrogatory to the extent it seeks the disclosure or production of information protected by the attorney-client, work product or other privileges.
3. Waleed Hamed objects to each Interrogatory that seeks information that is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.
4. The information sought by any Interrogatory may be as much as twenty-seven (27) years old. 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.
5. Waleed Hamed objects to each Interrogatory that seeks information that is barred by the relevant statute of limitations.
6. Waleed Hamed objects to defined terms and instruction to the extent that they vary from applicable law and/or impose different objections than those set forth in the Federal Rules of Civil Procedure.

Subject to these objections, the responses are as follows:

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.

Object to as calling for information protected by the attorney-client privilege. Otherwise, no one.

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.

I do not know if it was in 1999 or 2001 but my recollection as to what happened is similar to Mike Yusuf's deposition testimony at United's 30-b-6 deposition, except that the amounts discussed were never the subject of any litigation to collect them and are now time-barred under the applicable statute of limitations. If they were

not time barred, they would be subject to off-sets well in excess of said amounts anyway, as the reconciliation did not cover many items, as Mike Yusuf acknowledged in the referenced deposition.

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.

The referenced letter had no attachments, so this Interrogatory is objected to as worded. Additionally, the referenced reconciliation was only a partial reconciliation, as Mike Yusuf stated in the Rule 30-b-6 deposition of United, which was time barred as an offset by 2012, as noted in response to Interrogatory 2. Likewise, even if not time barred, it did not include many other accounts, including but not limited to, sums due from Dorothea as noted in the response to that letter, improper payments made to United's counsel, DiRuzzo, payments made at the direction Yusuf of debts for United from Plaza's accounts or even (back then) the accounting from the other stores.

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*
- 1. Banco Popular Visa - Account ending in 2319*
- J. Banco Popular Visa - Account ending in 2204*
- k. Amex Gold Card-Account No. 3782-925489-33001*
- i. Cairo Amman Bank - Account No. 02 501 171878 00*

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, to the extent this information exists, it was supplied in response to the request for documents.

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.

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, it was an error by the accountant. I did not focus on it until it was raised in these proceedings, but Fathi Yusuf knows the accounts in question were his, as he was using another name, Mohammad Hamden, to trade stocks to avoid paying taxes on the trades.

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.

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, the response is the same answer as given by Yusuf in response to this identical question in response to Willie Hamed's interrogatories, which is incorporated herein by reference, as he was the one who set everything up.

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).

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, the response is the same answer as given by Yusuf in response to this identical question in response to Willie Hamed's interrogatories, which is incorporated herein by reference, as he was the one who set everything up.

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?

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, as described in Mike Yusuf's deposition testimony at United's 30-b-6 deposition, records were destroyed after this reconciliation in 1999 or 2001.

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.

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, this request is objected to as irrelevant and not likely to lead to relevant testimony, as this was a donation by my father—not money owed to any party here. Indeed, Fathi Yusuf testified he was not pursuing any such amounts here.

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.

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, the response is the same answer as given by Yusuf in response to this identical question in response to Willie Hamed's interrogatories, which is incorporated herein by reference, as he was the one who set everything up.

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.

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, **Yusuf has said that he does not seek damages for what were a charitable contribution by Hamed, which is related to this check. In any event, all checks signed by me were done so at the direction and knowledge of Fathi Yusuf.**

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.

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, the documents required to answer this do not exist to the best of my knowledge, other than those documents previously produced in response to the request for documents. See bates numbered documents: HAMD606323-HAMD606325 and HAMD603645-HAMD604048.

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.

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, in 2011 I agreed to resolve the outstanding rent owed by Plaza to United in discussions with Fathi Yusuf and Plaza then paid United over \$5 million to settle the outstanding rent claims.

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.

In addition to the "General Objections" raised above, which are incorporated herein by reference, this request is also objected to as unduly burdensome, unduly harassing and overly broad. Subject to those objections, **I made deposits as directed by Fathi Yusuf, but I did not know he was still trading options and losing millions of dollars, nor did I ever override my Father's instructions that Fathi Yusuf stop trading options. While he now says he "assumes" this was the case because I continued to put funds in the account, there was never was any such discussion or understanding.**

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

Object as to irrelevant and not likely to lead to discoverable information.

16. What is the source of funds for the acquisition and operation of the businesses known as Five Comers 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?


Object as to irrelevant and not likely to lead to discoverable information.

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 Yusufs son filed a complaint contesting the \$460,000 removal and what was done with the proceeds of that check?

Object as to irrelevant and not likely to lead to discoverable information. Subject to this objection, the Yusufs had stolen \$2.7 million from a joint account. The money was removed to protect it from looting by them again. One-half was deposited to the Court accounts representing the Yusuf's 50% interest in these funds and the Yusufs have been given a stipulation to withdraw their share.

I, Waleed Hamed, declare under penalty of perjury, pursuant to 28 U.S.C. Section 1746, that the foregoing interrogatory responses are true and correct.

Dated: September 26, 2014



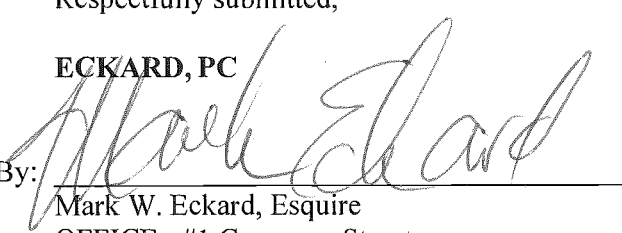
Waleed "Wally" Hamed

Respectfully submitted,

ECKARD, PC

Dated: September 26, 2014

By:



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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of September 2014, I served a copy of the foregoing in compliance with the parties consent, pursuant to Fed. R. Civ. P. 5(b)(2)(E), to electronic service of all documents in this action on: Nizar A. DeWood, Esquire (dewoodlaw@gmail.com); Gregory H. Hodges, Esquire (ghodges@dtflaw.com); Joel H. Holt, Esquire (holtvi@aol.com); and Jeffrey B.C. Moorhead, Esquire (jeffreymlaw@yahoo.com).

