

**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, MUFEEED HAMED,)
HISHAM HAMED,)
and **PLESSEN ENTERPRISES, INC.**,)
)
Counterclaim Defendants.)

JURY TRIAL DEMANDED

**PLAINTIFF MOHAMMAD HAMED'S RESPONSES TO DEFENDANTS'
8/27/14 REQUESTS TO ADMIT**

Plaintiff Mohammad Hamed responds to the requests to admit served on him on August 27, 2014 as follows:

1. Admit that you continued to receive substantial income from the Plaza Extra Stores after your retirement in 1996.

Object to as ambiguous, as the term "substantial income" is ambiguous. To the extent this request is understood, the Plaintiff admits he received the same partnership distributions as Fathi Yusuf to the best of his knowledge, with the exception of funds stolen by Fathi Yusuf from the accounts (such as \$2.7 million and payments to his lawyer, Attorney DiRuzzo.) Moreover, Plaintiff objects to Defendants' use the term "retirement," as Hamed has repeatedly stated that he did not retire from the partnership. Thus, this request is denied as worded since it is ambiguous and uses terms that are inaccurate as used.

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.

It is admitted that tax returns were not filed for the years in question until 2013, but all taxes for those years have been deemed paid in full by the IRB as noted in the letters it provided that were produced in discovery. Moreover, the filings were made in the manner allowed by the same settlement in which the Yusufs participated.

3. Admit that you have never paid taxes on the income you received from the Plaza Extra Stores for 1997 through 2012. . Moreover, the payments were made in the manner allowed by the same settlement in which the Yusufs participated.

Deny. All taxes for those years have been deemed paid in full by the IRB as noted in the letters it provided that were produced in discovery. Moreover, the filings were made in the manner allowed by the same settlement in which the Yusufs participated.

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.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied. Moreover, Fathi Yusuf has stated in discovery that neither he nor his accountants have his returns for a representative year during this period either.

5. Admit that you filed tax returns for the tax years 1983 through 1996 which you knew under reported your income for those years.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied. Moreover, Fathi Yusuf has stated in discovery that neither he nor his accountants have his returns for a representative year during this period either.

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.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied. Moreover, Fathi Yusuf has stated in discovery that neither he nor his accountants have his returns for a representative year during this period either.

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.

Deny, as Yusuf was always notified under the system we used of any such removal.

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.

Admit, although as Mike Yusuf has testified, many of such records were mutually, intentionally destroyed by him and others.

9. Admit that you or your sons could remove funds from the safes at the Plaza Extra Stores without making any record of it.

Deny, as everyone was required to follow the process of recoding all such withdrawals, although as Mike Yusuf has testified, many of such records were mutually, intentionally destroyed by him and others.

10. Admit that you or your sons could remove funds from the safes at the Plaza Extra Stores without advising anyone.

Deny, as everyone was required to follow the process of recoding all such withdrawals, although as Mike Yusuf has testified, many of such records were mutually, intentionally destroyed by him and others.

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.

Deny, as no records were discarded except by mutual consent with the Yusufs after accountings were done from time to time, as Mike Yusuf has testified, many of such records were mutually, intentionally destroyed by him and others.

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.

Deny, as no records were discarded except by mutual consent with the Yusufs after accountings were done from time to time, as Mike Yusuf has testified, many of such records were mutually, intentionally destroyed by him and others.

13. Admit that you and your sons have always had access to all of the financial records for all three Plaza Extra Stores.

Deny. Fathi Yusuf was in charge of all such records. In 2001 the records were seized by the FBI and were not made available to us for several years, although we had full access to them again by 2003. Then, after the criminal pleas were entered, Fathi Yusuf hired accountants who kept the records from us until we obtained a court order in 2014 to gain access again to these records. Even now there is a delay between the generation of the records and our receipt of them.

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.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. To the extent it is understood, United's operations were not separated from the business operations of Plaza, as Plaza paid many of United's expenses, so this request is denied.

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. Nor have we been able to obtain answers to this question from the Yusufs or United in discovery.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied. Nor have we been able to obtain answers to this question from the Yusufs or United in discovery.

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.

Admit.

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.

This request is objected to as ambiguous, as the term "accounting" is too ambiguous to comprehend in determining what Plaintiff is being asked to admit. Indeed, to the extent this request is understood, an accounting of funds would have been made from time to time between the Hameds and Yusufs, although it is admitted that it is currently not possible to recreate amounts due to the passage of time and lack of records. Nor have we been able to obtain answers to this question from the Yusufs or United in discovery.

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.

This request is objected to as ambiguous, as the term "accounting" is too ambiguous to comprehend in determining what Plaintiff is being asked to admit. Indeed, to the extent this request is understood, an accounting of funds would have been made from time to time between the Hameds and Yusufs, although it is admitted that it is currently not possible to recreate amounts due to the passage of time and lack of records. Nor have we been able to obtain answers to this question from the Yusufs or United in discovery.

19. Admit that any monies or assets you have acquired individually came from funds withdrawn from the Plaza Extra Stores.

Deny. Indeed, the Plaintiff had several businesses before the Plaza Extra partnership began. Moreover, Plaintiff receives funds from social security.

20. Admit that you and your sons withdrew monies from the Plaza Extra Stores without advising Yusuf or his sons.

Deny, as notice was always given in writing when funds were withdrawn, though as Mike Yusuf testified, receipts were intentionally, mutually destroyed by him and others.

21. Admit that you and your sons have withdrawn more monies from the Plaza Extra Stores than Yusuf and his sons.

Deny, as the Yusufs have withdrawn more money than the Hameds as noted by the \$2,700,000 unilaterally taken by the Yusufs in 2012 giving rise to this case as well as funds paid to Joseph DiRuzzo, also, funds used by United to pay for insurance and gross receipts taxes on its properties.

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.

This request is objected to as compound and unduly confusing as to what the Plaintiff is being asked to admit. To the extent it is understood, it is admitted that Plaintiff has always provided a full accounting to Fahti Yusuf from time to time, as requested over the years as agreed by the parties. However, as to this specific inquiry about the \$536,405 check, after reasonable inquiry, this request cannot be fully responded to due to the passage of time and the lack of records for that time period. Hence, it is denied.

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.

Deny, as no such agreement was ever reached.

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.

Deny, as rent was paid in cash to Fathi Yusuf as he requested from time to time.

25. Admit that rent for Plaza Extra-East was never paid in cash.

Deny, as rent was always paid in cash until 2012.

26. Admit that you are responsible to Yusuf for all actions Waleed took as your agent.

This request is objected to as ambiguous, as the term "all actions" is too broad and ambiguous to comprehend in determining what Plaintiff is being asked to admit. Moreover, it seeks a conclusion of law and is therefore denied. Subject to those reservations, it is denied.

27. Admit that you are responsible to account to Yusuf for all funds withdrawn from the Plaza Extra Stores by you and your sons.

This request is objected to as ambiguous, as the term "are responsible" is too broad and ambiguous to comprehend in determining what Plaintiff is being asked to admit. To the extent this request is understood, it is denied, as Plaintiff has already done so over the years from time to time, so no further accounting is needed on those items.

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.

This request is objected to as ambiguous, as the term "scrupulously" is overly broad in order to comprehend in determining what Plaintiff is being asked to admit. To the extent this request is understood, the intent has always been to document all withdrawals by each family member to make sure the withdrawals/expenditures are 50/50. The only time that there was a different action, the Hameds informed the Yusufs -- which began in 2012, leading to this lawsuit.

29. Admit that an accurate and complete accounting can be given as to the withdrawals.

After reasonable inquiry, this request cannot be truthfully admitted or denied due to the passage of time and the lack of records for that time period. Hence, it is denied.

Dated: September 26, 2014



Joel H. Holt, Esq.
for Mohammad Hamed
2132 Company Street
St. Croix, VI 00820
(340) 773-8709
holtvi@aol.com

Carl J. Hartmann III, Esq.
5000 Estate Coakley Bay, L-6
Christiansted, VI 00820
Telephone: (340) 719-8941
Email: carl@carlhartmann.com

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of September, 2014, I served a copy of the foregoing Responses to Requests for Admissions by email, as agreed by the parties, on:

Mark W. Eckard

Eckard, P.C.
P.O. Box 24849
Christiansted, VI 00824
mark@markeckard.com

Nizar A. DeWood

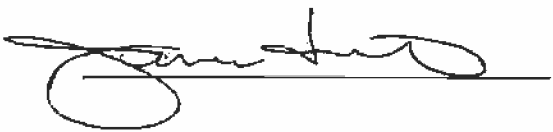
The DeWood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820
dewoodlaw@gmail.com

Gregory H. Hodges

Law House, 1000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00802
ghodges@dtflaw.com

Jeffrey B. C. Moorhead

1132 King Street
Christiansted, VI 00820
jeffreymlaw@yahoo.com

A handwritten signature in black ink, appearing to read "Jeffrey Moorhead", is written over a horizontal line.