

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

**MOHAMMAD HAMED**, by his  
authorized agent **WALEED HAMED**,  
  
*Plaintiff/Counterclaim Defendant*,  
  
vs.  
  
**FATHI YUSUF** and  
**UNITED CORPORATION**,  
  
*Defendants/Counterclaimants*,  
  
vs.  
  
**WALEED HAMED, WAHEED  
HAMED, MUFEED HAMED,  
HISHAM HAMED,**  
and **PLESSEN ENTERPRISES, INC.**,  
  
*Counterclaim Defendants.*

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**CIVIL NO. SX-12-CV-370**

ACTION FOR DAMAGES  
INJUNCTIVE RELIEF AND  
DECLARATORY RELIEF

JURY TRIAL DEMANDED

**COUNTERCLAIM DEFENDANT WILLIE HAMED'S REPLY  
TO FATHI YUSUF'S OPPOSITION AS TO THE 10/15/14 MOTION TO SHOW CAUSE**

On October 15, 2014, a *Motion for an Order to Show Cause* was filed with regard to actions by United, Fathi Yusuf and the United Controller, John Gaffney.

On October 21, 2014, an *Opposition* was filed, supported by a *Declaration* by John Gaffney. Gaffney states that Fathi Yusuf did not order Wally Hamed removed from the payroll and then proposes an alternate factual scenario involving taxes and withholding.

On October 23, Plaintiff Hamed filed a *Renewed Motion for an Order to Show Cause* which attached a *Declaration* from the payroll clerk and two brief emails from Fathi Yusuf's son, Yusuf Yusuf, explicitly relating the facts of what had actually happened when this began in late September.

Willie Hamed asks the Court to closely scrutinize those two Yusuf emails with regard to the Gaffney Declaration -- not only to determine if the initial motion to show cause should be granted -- but also to determine whether an on-record examination of Mr. Gaffney and Yusuf Yusuf is necessary: Is Gaffney's sworn testimony so far from the facts revealed by the Yusuf Yusuf emails that the Court should consider his acts in submitting the Declaration to be not only contemptuous but also outright false? This is what Yusuf Yusuf states in his two successive emails to the payroll clerk when this was beginning on September 22<sup>nd</sup> (emphasis added):

From: "Yusuf Yusuf" <ysquare\_88@yahoo.com>  
Date: Mon, Sep 22, 2014 at 3:05 PM  
**Subject: Direct Deposit**

Wadda you sent me a text at 1:23 pm today 9/22/14 indicating that the direct deposit is ready to be sent. At 1:29 pm I responded asking if Waleed Hamed is part of the direct deposit, you responded at 2:13 pm "Yes everybody". Wadda Charriez **you were giving specific instruction by Fathi Yusuf not to put Waleed Hamed on the direct deposit** because he has not being showing up to work for over 18 months and will not be paying any employees for not showing up to work at Plaza East, as a payroll clerk you have a duty to do the right thing.

**These instructions were directed for one employee Waleed Hamed, do not allow one employee to prevent the Direct Deposit for any additional Plaza East employees.** Thank you

and

From:"Yusuf Yusuf" <ysquare\_B8@yahoo.com>  
Date:Mon, Sep 22,2014 at 3:11 PM  
Subject: Re: Direct Deposit

Wadda please let me know when **the direct deposit is ready reflecting the removal of Waleed Hameds direct deposit** so I can send the direct deposit not affecting any other employees payroll.

Gaffney states that there were no such orders from Fathi Yusuf. He states that this was an accounting mix-up. He states that Mafi Hamed first began paying Wally Hamed directly for some mysterious reason. He suggests to the Court that single signor checks were not in violation of the PI and that cashing them with unaccounted, undeposited funds was nothing out of the ordinary. These statements are all revealed to be falsehoods.

It is now disclosed that Fathi Yusuf specifically and directly ordered this -- and that Yusuf Yusuf then pressured the payroll clerk to violate the order. Moreover the emails highlight the fact that when the payroll clerk would not violate the order, Fathi and Yusuf Yusuf knowingly violated the Court's orders and then submitted an untrue Declaration from Gaffney to hide this. This is far more serious than simple contempt.

Finally, Gaffney is the same person who (when the Hameds were not being given accounting records in violation of the Court's orders) testified that he did not have to read past the first page of the PI to know it did not have to be followed (as to there being a partnership) because it was just some "opinion" of the Court set forth to allow litigation to go on -- that it was not an ORDER he had to follow:

**Q.** But--but the Judge also said that there was a partnership, as well, didn't he?

**A.** He gave an opinion that there was, **and I didn't have to read beyond the first page of that** to know that it was an opinion that basically allowed for litigation to continue. **It was not an order.** (Emphasis added.)

*Gaffney Deposition* of April 3, 2014, at 14, **Exhibit A**. This is the Controller<sup>1</sup> upon whom Fathi Yusuf asks this Court to rely.

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<sup>1</sup> It is also interesting to note that in his *Declaration* he identifies himself as United's controller -- not Plaza's. This despite the fact that he is paid entirely from Plaza funds.

Thus, Willie Hamed asks the Court (or the Master by the Court's order) to conduct an on-record hearing and personally examine Yusuf Yusuf and John Gaffney **before any decision is made on this motion**. Gaffney's credibility as to accounting testimony and his willingness to make statements on behalf of the Yusufs goes beyond this single incident and is a matter of great import to Willie Hamed as a counterclaim defendant.

**Dated:** October 24, 2014



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of October, 2014, I served a copy of the foregoing by email, as agreed by the parties, on:

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DIVISION OF ST. CROIX

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Agent WALEED HAMED, )  
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Plaintiff/Counterclaim Defendant, )  
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vs. ) Case No. SX-12-CV-370  
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FATHI YUSUF and UNITED CORPORATION, )  
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Defendants/Counterclaimants, )  
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vs. )  
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WALEED HAMED, WAHEED HAMED, MUFEED )  
HAMED, HISHAM HAMED, and PLESSSEN )  
ENTERPRISES, INC., )  
)  
Additional Counterclaim Defendants.)

**THE VIDEOTAPED ORAL DEPOSITION OF JOHN GAFFNEY**

was taken on the 3rd day of April, 2014, at the Law Offices  
of Adam Hoover, 2006 Eastern Suburb, Christiansted,  
St. Croix, U.S. Virgin Islands, between the hours of  
3:14 p.m. and 4:41 p.m., pursuant to Notice and Federal  
Rules of Civil Procedure.

Reported by:

Cheryl L. Haase  
Registered Professional Reporter  
Caribbean Scribes, Inc.  
2132 Company Street, Suite 3  
Christiansted, St. Croix U.S.V.I.  
(340) 773-8161

**EXHIBIT**

**A**

**JOHN GAFFNEY -- DIRECT**

1 Q. Okay.

2 A. But it's certainly not what's being rumored as  
3 going around.

4 Q. But -- but the Judge also said that there was a  
5 partnership, as well, didn't he?

6 A. He gave an opinion that there was, and I didn't  
7 have to read beyond the first page of that to know that it  
8 was an opinion that basically allowed for litigation to  
9 continue. It was not an order.

10 Q. I see. And so you think that the Judge was wrong  
11 in his opinion that there was a partnership?

12 A. No, I think there's some merits about a  
13 partnership, but I -- I don't think it's the way it's  
14 defined.

15 Q. Okay. I guess the question is this: We agree  
16 that Plaza Extra Supermarkets sells grocery stores (sic) and  
17 takes in money, do we not?

18 A. Sells groceries, yes.

19 Q. Yes. Groceries. Takes in money.

20 And that it has expenses, does it not?

21 A. Yes.

22 Q. Distinct and separate from that,  
23 United Corporation rents property, does it not?

24 A. (Witness nods head.) Yes, that's one of its  
25 functions.