

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

<b>UNITED CORPORATION,</b>	)	Case No. SX-13-CV-03
	)	
<i>Plaintiff,</i>	)	ACTION FOR DAMAGES INJUNCTIVE
	)	RELIEF AND DECLARATORY RELIEF
	)	
v..	)	
	)	
<b>WALEED HAMED,</b>	)	
	)	
<i>Defendant.</i>	)	
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**RESPONSES AND OBJECTIONS OF WALEED HAMED TO  
PLAINTIFF'S FIRST SET OF INTERROGATORIES TO  
DEFENDANT WALEED HAMED**

Waleed Hamed (“Mr. Hamed”) responds and objects to the First Set of Interrogatories (each, individually, an “Interrogatory” and, collectively, the “Interrogatories”) propounded upon Mr. Hamed by the above-captioned plaintiff (“Plaintiff”) as follows:

**GENERAL OBJECTIONS**

In addition to the specific objections separately set forth in response to each numbered Interrogatory, Mr. Hamed’s responses are subject as a whole to the following general objections, which are incorporated into each response and objection, whether or not specifically referred to therein. Undersigned counsel for Mr. Hamed is willing to meet with Plaintiff’s counsel promptly in an effort to discuss and address Mr. Hamed’s concerns and objections to the Interrogatories.

1. Mr. Hamed generally objects to the Interrogatories to the extent that they seek to impose discovery obligations upon Mr. Hamed that are broader than, or inconsistent with the Constitution of the United States, the Rules of the Superior Court, Local Rules of Civil

Procedure of the District Court of the Virgin Islands of the United States, the Federal Rules of Civil Procedure, Federal Rules of Evidence, or any other applicable rules or law.

2. Mr. Hamed generally objects to the Interrogatories to the extent that they are overly broad, unduly burdensome, vague, and/or ambiguous.

3. Mr. Hamed generally objects to the Interrogatories to the extent that they call for information that is neither relevant to the above-captioned civil action (this “Action”) nor reasonably calculated to lead to the discovery of admissible evidence.

4. Mr. Hamed generally objects to the Interrogatories to the extent that they seek information that is already in Plaintiff’s possession, is available in the public domain, or is equally available to Plaintiff as it is to Mr. Hamed.

5. Mr. Hamed generally objects to the Interrogatories to the extent that they seek information that is obtainable from another source that is more convenient and that is less burdensome and less expensive.

6. Mr. Hamed generally objects to the Interrogatories to the extent that they seek information that is not within Mr. Hamed’s possession, custody or control.

7. Mr. Hamed generally objects to the Interrogatories to the extent that they call for information subject to a claim of privilege and/or immunity, including, without limitation, the attorney-client privilege and/or attorney work-product doctrine. The inadvertent disclosure of any information subject to such privileges and/or protections is not intended to relinquish any privilege and/or protection and shall not be deemed to constitute a waiver of any applicable privilege and/or protection.

8. Mr. Hamed generally objects to the Interrogatories to the extent that they seek confidential, proprietary, or personal information.

9. Mr. Hamed generally objects to the definition of “document” as overly broad, unduly burdensome and to the extent that it purports to impose obligations upon Mr. Hamed beyond the requirements of the Rules of the Superior Court, Local Rules of Civil Procedure of the District Court of the Virgin Islands of the United States, the Federal Rules of Civil Procedure, Federal Rules of Evidence, or any other applicable rules or law.

10. To the extent that Mr. Hamed provides any information in response to the Interrogatories or any particular interrogatory, Mr. Hamed does not concede that the Interrogatories or any particular interrogatory seek information that is relevant to the claims or defenses of any party to this Action. Similarly, Mr. Hamed does not concede that the Interrogatories or any particular interrogatory seek information that is reasonably calculated to lead to the discovery of admissible evidence. Mr. Hamed instead expressly reserves all further objections to the relevance and admissibility of any information that must be provided pursuant to the Interrogatories or any particular interrogatory, if any, as well as the right to object to further discovery relating to the subject matter of any information provided.

11. Mr. Hamed reserves the right to supplement his objections and responses, as appropriate.

### **SPECIFIC RESPONSES AND OBJECTIONS**

**1. Please identify your professional or occupational relationship with Plaintiff United Corporation. Include in your response the length of time you have been associated with United Corporation in what capacities, and what your present duties and responsibilities include.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responds to Interrogatory No. 1 as follows:

Fathi Yusuf is a partner with my father in Plaza Extra Supermarkets. Fathi Yusuf uses United to act for him, as his alter ego, in that partnership.

**2. Please state the name, address, and phone number of every person who has prepared your Tax Returns from 1986 through 2009.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 2 as follows:

I do not recall. But Pablo O'Neal and Associates, Inc. was hired by the partnership to do them in some years.

**3. Please provide the source of income, including any and all financial accounts, loans, gifts, etc., you used to purchase the securities listed and detailed in your 1992 and 1993 Personal Income Tax Returns.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 3 as follows:

I did not purchase them; it was an error by the accountant.

**4. If you contend there were any errors made in your Tax Returns of 1992 and 1993, please state the name of the person (including his/her contact information) who you contend made that error, and what action you took to correct these errors.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 4 as follows:

Pablo O'Neill and Associates, Inc. apparently made the error. I asked him, and it turned out that a relative of Fathi Yusuf's information was put on my return by mistake. By way of further response, Fathi Yusuf was the sole trader on that account.

**5. Identify every financial account, including but not limited to savings, checking, brokerage, certificates of deposits, stocks, bonds, trust funds, used to acquire any real estate in your name, and/or the name of any of your children, wife, parents, and any other third parties whom you have used to acquire assets on your behalf.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responds to Interrogatory No. 5 as follows:

Mr. Hamed objects to Interrogatory No. 5 as an overly broad and unduly burdensome interrogatory which calls for information entirely irrelevant to this Action. By way of further response, Mr. Hamed objects to requests for information from time periods irrelevant to this Action.

**6. Identify every gambling account you have ever opened at any gambling institution, including but not limited to Casinos, Hotels, Online Gambling sites, and/or foreign gambling operations.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responds to Interrogatory No. 6 as follows:

Mr. Hamed objects to Interrogatory No. 6 as an overly broad and unduly burdensome interrogatory which calls for information entirely irrelevant to this Action. By way of further response, Mr. Hamed objects to requests for information from time periods irrelevant to this Action.

**7. Identify the source of funds used by you and/or any designee to open and fund any gambling account you answered in Interrogatory 6.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responds to Interrogatory No. 7 as follows:

Mr. Hamed objects to Interrogatory No. 7 as an overly broad and unduly burdensome interrogatory which calls for information entirely irrelevant to this Action. By way of further response, Mr. Hamed objects to requests for information from time periods irrelevant to this Action.

**8. Provide a detailed list of all gambling losses you sustained for the period of 1986 through present, including the name of the gambling institution.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 8 as follows:

Mr. Hamed objects to Interrogatory No. 8 as an overly broad and unduly burdensome interrogatory which calls for information entirely irrelevant to this Action. By way of further response, Mr. Hamed objects to requests for information from time periods irrelevant to this Action.

**9. Provide a detailed list of all loans (personal or business) you (or any of your agents or designees) made to anyone for the period of 1990 through 2009, including the source of these funds.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 9 as follows:

Mr. Hamed objects to Interrogatory No. 9 as an overly broad and unduly burdensome interrogatory which calls for information entirely irrelevant to this Action. By way of further response, Mr. Hamed objects to requests for information from time periods irrelevant to this Action.

**10. If you contend that there were any distributions of net income or profits from the operations of the Plaza Extra supermarket as a source of revenues for the purchase of the securities in your 1992 and 1993 tax returns, state in detail when and how these profits were distributed. Specify how you obtained these distributions of net income or profits and from whom.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 10 as follows:

Mr. Hamed objects to Interrogatory No. 5 as an overly broad and unduly burdensome interrogatory which calls for information entirely irrelevant to this Action. By way of further response, Mr. Hamed objects to requests for information from time periods irrelevant to this Action. Subject to the foregoing general and specific objections, 50% of all net profits from Plaza Extra Supermarkets were owned by and (prior to 2003) distributed to my father -- at times he chose to place those distributions in my name. Plaintiff has submitted the following explanation of this in another legal action. (Plessen action. V.I. Sup. Ct. CIVIL NO. SX-12-CV-370). Hamed and Yusuf have always demonstrated clean separation of businesses by forming separate corporations to invest in other business activities. Hamed and Yusuf formed the following corporations, owned in equal shares, as follows:

**i. Sixteen Plus Corporation**, a corporation with 1600 shares issues, owned equally between the Yusuf and Hamed families;

**ii. Y&H Investments, Inc.**, a corporation with 100 shares issues, owned equally by the Yusuf and Hamed families;

**iii. Plessen Enterprises, Inc.**, a corporation with 1600 shares issued, owned equally between the Yusuf and Hamed families; and

**iv. Peter's Farm Investment Corporation**, a corporation with 1000 shares issues, owned equally between Hamed and Yusuf.

In addition, funds were distributed subject to a "chit" accounting system. All information regarding this system has been supplied in Hamed v. Yusuf, also pending in this Court.

**11. Please state if you ever had any contact with the Universal Academy of Florida in Orlando, Florida. If so, describe the nature of your contacts or relationship with Universal Academy of Florida.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responds to Interrogatory No. 11 as follows:

Not that I recall.

**12. Describe your relationship with Hamdan Diamond Corporation. State your position (if any), duties, and the dates you were associated with Hamdan Diamond Corp.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responds to Interrogatory No. 5 as follows:

Mr. Hamed objects to Interrogatory No. 12 as calling for information entirely irrelevant to this Action. By way of further response, Mr. Hamed objects to requests for information from time periods irrelevant to this Action.

**13. Describe the time period when you acquired and renovated your personal residence, including the amount paid to acquire said residence, and the total cost of all renovations.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responds to Interrogatory No. 13 as follows:



Mr. Hamed objects to Interrogatory No. 13 as calling for information entirely irrelevant to this Action. By way of further response, Mr. Hamed objects to requests for information from time periods irrelevant to this Action.

**14. Describe the circumstances surrounding the issuance of each of the six (6) checks attached herewith as Exhibit "A ", including the purpose of each check, and why they were made payable to you personally.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responds to Interrogatory No. 14 as follows:

Both myself and Fathi Yusuf withdrew money by checks -- such withdrawals have always been made -- and accounted by a system of offsetting the 50% due my father with the 50% due Fathi Yusuf. Though the amount is subject to additional expert analysis and testimony, presently, the accounting of all such chits and amounts shows that the Hameds are owed several millions of dollars – and even the Yusufs' accounting shows the Hameds are owed more than \$800,000.

**15. Provide a list of every account, including opening and closing dates of each account, you ever opened anywhere at any financial institution, including but not limited to the United States, Caribbean, Europe and the Middle East.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responds to Interrogatory No. 15 as follows:

Mr. Hamed objects to Interrogatory No. 15 as an overly broad and unduly burdensome interrogatory which calls for information entirely irrelevant to this Action. By way of further response, Mr. Hamed objects to requests for information from time periods irrelevant to this Action.

**16. Detail (date and location) all of the wire transfers made by you or on behalf of your father Mohammed Hamed from any account in the United States to any Bank, financial institution, and/or trust in the Middle East, including but not limited to the country of Jordan and The West Bank, Palestine.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 16 as follows:

Mr. Hamed objects to Interrogatory No. 16 as an overly broad and unduly burdensome interrogatory which calls for information entirely irrelevant to this Action. By way of further response, Mr. Hamed objects to requests for information from time periods irrelevant to this Action.

**17. Describe the factual and/or legal basis for your contention, as set forth in your Affirmative Defenses, that Plaintiff's instant claims are barred by "fraud" (as an equitable defense) on the part of the Plaintiff and its agents.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 17 as follows:

Fathi Yusuf and United are involved in a process of trying to steal my father's 50% of the partnership. They have told numerous lies and submitted false documents. As part of their scheme to steal my father's 50% of the partnership, they have said my father was solely an employee -- as well as myself. They have denied the Hamed ownership of profits and of the partnership. They have stolen hundreds of thousands of dollars under these false statements and documents.

**18. Describe the factual and/or legal basis for your contention, as set forth in your Affirmative Defenses, that Plaintiff's instant claims are barred by the doctrine of "laches".**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 18 as follows:

Claims for acts allegedly undertaken by me in the 1990s could have been brought in a timely manner but were not.

**19. Describe the factual and/or legal basis for your contention, as set forth in your Affirmative Defenses, that Plaintiff's instant claims are barred by the doctrine of "release."**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 19 as follows:

Fathi Yusuf and United entered into a settlement agreement to end these claims.

**20. Describe the factual and/or legal basis for your contention, as set forth in your Affirmative Defenses, that Plaintiff's instant claims are barred by the doctrine of "failure to mitigate" damages. Specify which damages the Plaintiff failed to mitigate, when, and under what circumstances.**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 20 as follows:

All documents referenced here -- including the tax returns have been available to plaintiffs since at least 2003. They failed to inspect and/or copy those records.

**21. Describe the factual and/or legal basis for your contention, as set forth in your Affirmative Defenses, that Plaintiff' s instant claims are barred by the defense of "offset".**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 21 as follows:

Fathi Yusuf and United have stolen millions of dollars from my father and family. This includes the most recent \$2.7 million plus attorney fees taken from Plaza Extra accounts.

**22. Describe the factual and/or legal basis for your contention, as set forth in your Affirmative Defenses, that Plaintiff' s instant claims are barred by the defense of "unconscionability".**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 22 as follows:

Fathi Yusuf and United have stolen millions of dollars from my father and family. This includes the most recent \$2.7 million plus attorney fees taken from Plaza Extra accounts.

**23. Describe the factual and/or legal basis for your contention, as set forth in your Affirmative Defenses, that Plaintiff' s instant claims are barred by the defense of "acquiescence".**

Subject to and without waiver of the above-stated General Objections, each of which is incorporated by reference as though fully set forth herein, Mr. Hamed responses to Interrogatory No. 23 as follows:

All documents referenced here -- including the tax returns have been available to plaintiff since at least 2003. They failed to inspect and/or copy those records.

VERIFICATION

I hereby certify under penalty of perjury that the facts contained in the foregoing are true and correct to the best of my knowledge, information and belief.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Waleed Hamed

TERRITORY OF THE UNITED STATES VIRGIN ISLANDS )

) ss.

DISTRICT OF ST. CROIX )

On this, the \_\_\_\_ day of March, 2014, before me, the undersigned officer, personally appeared Waleed Hamed, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

Respectfully submitted,

**ECKARD, PC**

Dated: March 14, 2014

By: /s/ Mark W. Eckard

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Counsel to Waleed Hamed

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served via electronic mail by parties' stipulation on this the 14<sup>th</sup> day of March, 2014 to the following:

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