

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

<b>MOHAMMAD HAMED</b> , by his	)	CIVIL NO. SX-12-CV-370
authorized agent <b>WALEED HAMED</b> ,	)	
	)	
Plaintiff/Counterclaim Defendant,	)	ACTION FOR DAMAGES,
	)	INJUNCTIVE RELIEF
vs.	)	AND DECLARATORY RELIEF
	)	
<b>FATHI YUSUF and UNITED CORPORATION</b> ,	)	
	)	
Defendants/Counterclaimants,	)	
	)	
vs.	)	
	)	
<b>WALEED HAMED, WAHEED HAMED,</b>	)	
<b>MUFEED HAMED, HISHAM HAMED, and</b>	)	
<b>PLESSEN ENTERPRISES, INC.,</b>	)	
	)	
Additional Counterclaim Defendants.	)	
_____	)	

**EMERGENCY MOTION TO COMPEL OPENING OF OPERATING CHECKING  
ACCOUNT AND/OR APPOINT RECEIVER**

Defendant Fathi Yusuf (“Yusuf”), as Secretary/Treasurer and director of Plessen Enterprises, Inc. (“Plessen”), respectfully files this motion to compel Plessen’s vice-president and board director Waleed Hamed (“Waleed” or “Waleed Hamed”) to execute all necessary documents to forthwith open an operating checking account for Plessen. Because of the chronic shareholder and director deadlock that has plagued Plessen, it has been unable to deposit over \$600,000 of accrued rents, or pay basic operating expenses and taxes. Plessen needs to be able to perform the most basic necessities of running a business, and, if that is not possible, should be immediately placed into receivership.

**Background**

For decades, Plessen maintained a checking operating account with Scotia Bank. In January 2016, Scotia Bank, concerned about the acrimony between the Hameds and Yusufs that pervaded all

of their joint businesses, notified Yusuf that it would close Plessen's account by March 20, 2016. On May 10, 2016, Yusuf requested that Hamed and Waleed co-sign with Yusuf a new checking account based on the terms contained in Plessen's 2012 Scotia's checking account application ("Scotia Application"). The parties had agreed to the terms of the Scotia application prior to the onset of any litigation between the parties in 2012. See *Scotia Checking Account Application*, **Exhibit 1**. After the litigation commenced, Waleed and his father, the late Mohammad Hamed ("Hamed") refused Yusuf's request to open a new checking account with Banco Popular based on the terms of the 2012 Scotia application information. See *Banco Popular Account Application*, **Exhibit 2**. See *Email from Joel Holt*, **Exhibit 3**. It appears that Waleed and the late Hamed did not want the new Banco Popular application to list Maher Yusuf as "director" and "officer" of Plessen as the parties had done in the 2012 Scotia checking application. The Hameds apparently believe that Yusuf might use the application in this litigation to show that Maher Yusuf is in fact a Plessen director.

The inability of the Hameds and Yusufs to even communicate about Plessen affairs, let alone reach agreement on the most elemental aspects of the business, are exemplified by the recent passing of Mohammed Hamed. Wally Hamed declined to provide any meaningful information about his father's grave health problems as they developed over the course of the last six months or more.<sup>1</sup> Yusuf only learned of his co-shareholder's June 16 death from unrelated third parties.

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<sup>1</sup> Prior to Hamed's death, Yusuf requested information regarding Plaintiff's health and his presence in the Virgin Islands. Hamed's attorney evaded Plaintiff's inquiries concerning Hamed's health, saying only that Mohammed Hamed is "not disabled." See Response Email of Joel Holt, **Exhibit 4**.

## **Facts**

Plessen was formed by Hamed and Yusuf in September 1987 to invest and acquire real property. It is a closely held corporation owned equally between the Yusuf and Hamed families. The current board of director members are Waleed Hamed and Fathi Yusuf.<sup>2</sup> Plessen's current corporate officers are Waleed Hamed (Vice-President) and Fathi Yusuf (Treasurer/Secretary). The position of president is now vacant as a result of Hamed's June 16, 2016 passing. Waleed insisted that his father's name appear on the new Banco Popular checking account application. Yusuf rejected the inclusion of Hamed's name because 1) Hamed was never listed as a signatory in any of Plessen's accounts, and 2) Yusuf learned from other sources that Hamed had a terminal health condition. Waleed, acting improperly on behalf of his now deceased father, refuses to open a checking account unless it contains Hamed's new terms.

### **Plessen's Board is Deadlocked**

Because Hamed is deceased, and assuming for purposes of this motion only that Maher Yusuf is not a director, there are now only two directors, Yusuf and Waleed. The death of Hamed means that in addition to shareholder deadlock, there is now deadlock at Plessen's director level. Because and agreement between Yusuf and Waleed to schedule shareholders' meeting to elect new

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<sup>2</sup> Hamed denies that Maher Yusuf is a director, even though the Hameds have always declared Maher Yusuf as a director in such things as Bank Account applications, etc. See Scotia Bank Checking Account Application, **Exhibit 1**. Plaintiff Mohammed Hamed was a director and president. Hamed died in Amman, Jordan on June 16, 2016. A Notice of Suggestion of Death was filed with the court.

directors and officers appears to be impossible, this Honorable Court should intervene and order Plessen's deadlocked Board to open a checking account to receive the accumulating rents from the Hamed-owned company that is now leasing from Plessen what was formerly the Plaza Extra-West store. Alternatively, in light of the incorrigible shareholder and director deadlock, this Court should appoint a receiver forthwith to oversee the operations and the eventual dissolution of Plessen.

### **Discussion**

It is well established that directors and officers are fiduciaries who owe the corporation duties of duties of care and loyalty. Directors are expected to hold and attend meetings with reasonable regularity and to exercise care in the selection and supervision of the chief executive and other officers of the company and board of director committees. *In re Illinois Valley Acceptance Corp. v. Martin*, 531 F.Supp. 737 (C.D. Ill. 1982). They should make themselves familiar with the requirements of the corporation's bylaws and observe them. They must serve the corporation and its shareholders with diligence, and give such time and attention as ordinarily careful and prudent persons can reasonably be expected to exercise on behalf of such a corporation under similar circumstances. *Founders Life Corp. v. Hampton*, 597 S.W.2d 897 (Tenn. 1980).

#### **A. The late Hamed and Waleed Breached the Duty of Care & Diligence Owed to Plessen.**

The late Hamed breached his fiduciary duties of loyalty, care, and due diligence by failing to agree to call a Board meeting to elect new officers. Hamed never stepped down, and never advised Yusuf that his terminal medical condition meant that he could no longer participate in the

management of Plessen's affairs. Even before his health problems became very serious, he refused to sign the proper resolutions to open a simple checking account to protect Plessen's operations. Waleed Hamed persists in his later father's refusal to open a new bank account.

**Conclusion**

For the foregoing reasons, Yusuf requests that this Honorable Court 1) order the immediate opening of a checking account based on the information provided in the 2012 Scotia checking account application, or 2) appoint a receiver who in turn would open a checking account for Plessen and oversee its business operations.

DATED: July 11, 2016

Respectfully submitted,

**DEWOOD LAW FIRM**



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F. (888) 398-8428  
E-mail: [nizar@dewood-law.com](mailto:nizar@dewood-law.com)  
Attorney for Fathi Yusuf

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of July, 2016, I caused the foregoing **Motion to Compel Opening of Operating Checking Account and or Appoint Receiver** to be served upon the following via e-mail:

**Joel H. Holt, Esq.**  
**Law Offices of Joel H. Holt**  
2132 Company Street  
Christiansted, V.I. 00820  
Email: [holtvi@aol.com](mailto:holtvi@aol.com)

**Carl Hartmann, III, Esq.**  
5000 Estate Coakley Bay, #L-6  
Christiansted, VI 00820  
Email: [carl@carlhartmann.com](mailto:carl@carlhartmann.com)

**Mark W. Eckard, Esq.**  
Eckard, P.C.  
P.O. Box 24849  
Christiansted, VI 00824  
Email: [mark@markeckard.com](mailto:mark@markeckard.com)

**Jeffrey B.C. Moorhead, Esq.**  
C.R.T. Building  
1132 King Street  
Christiansted, VI 00820  
Email: [jeffreymlaw@yahoo.com](mailto:jeffreymlaw@yahoo.com)

**The Honorable Edgar A. Ross**  
Email: [edgarrossjudge@hotmail.com](mailto:edgarrossjudge@hotmail.com)



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Christina Joseph

# EXHIBIT

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## Information Gathering Form - Account for a Private Corporate Entity

NOTE: PLEASE PROVIDE ALL OF THE REQUESTED INFORMATION & DOCUMENTATION TO EXPEDITE THE ACCOUNT OPENING PROCESS; COMPLETE & RETURN THIS FORM TO THE ATTENTION OF \_\_\_\_\_

### SECTION I - DETAILS OF THE COMPANY

1. Full legal name of the company: PLESSEN ENTERPRISES INC.  
Trading Name(s) (if applicable): SAME AS ABOVE.

2. Mailing address of the company: P.O. BOX 763  
CHRISTIANSTED  
ST.CROIX, USVI 00821-0763  
Physical address of the company: 4C&D ESTATE SION FARM  
CHRISTIANSTED  
ST.CROIX, USVI 00820

Telephone number: (340) 778-6240 Facsimile number: (340) 778-1200  
E-mail address: \_\_\_\_\_ Website: \_\_\_\_\_

3. Number of employees: Full time \_\_\_\_\_ Part time \_\_\_\_\_

4. Number of years in business: 12/31/98

5. Number of years at above address: \_\_\_\_\_

6. Country of incorporation: USVI

7. Address of the Company's Registered Office: 4C&D ESTATE SION FARM  
CHRISTIANSTED, ST.CROIX USVI 00820

Telephone number: 340 ) 778-6240 Facsimile number: 340 ) 778-1200

8. Name /address / etc. of primary company contact: WALEED HAMED  
4C&D ESTATE SION FARM CHRISTIANSTED, ST.CROIX USVI 00820

Telephone number: ( ) 778-6240 Facsimile number: ( ) 778-1200  
E-mail address: \_\_\_\_\_

9. Name and address of the company's primary banker:  
BANCO POPULAR.

Name of Account Manager: Mrs. Patricia Tang Yuk  
Telephone number: (340) 693-2940 Facsimile number: 340 ) 693-2940

10. Name and address of the Law Firm that represents the company (if applicable):  
BRYANT, BARNES MOSS

Name of Attorney (if specifically assigned, within the firm): CARL A. BECKSTEDT  
Telephone number: (340) 773-2785 Facsimile number: 340 ) 773-5427

11. Name and address of the company's Accountant (if applicable):  
\_\_\_\_\_  
Telephone number: ( ) Facsimile number: ( )



12. Provide originals or certified true copies (if originals cannot be provided) of the following corporate documents:

- Certificate(s) of Incorporation / Registration;
- Memorandum and Articles of Incorporation / Association & By Laws;
- Notice of Address or Notice of Change of Address of Registered Office;
- Notice of Directors/Managers or Notice of Change of Directors/Managers;
- Notice of Appointment of Secretary and/or Notice of Change of Secretary;
- Register of Members / Shareholders, including the full name and address of each beneficial owner holding 25% or more of the Company's shares;
- Trade / Business Licenses and Registration documentation;
- Request for Name Search and/or Name Reservation;
- Certificate of Good Standing; or
- Any other documentation requested by the Account Officer.

**Note:** Wherever documents require renewal, a copy of the "updated" document is to be provided to Scotiabank upon each renewal / re-registration process.

13. If any of the following is itself a corporate entity then the items listed in section 12 are required for each such corporate entity, as well information regarding the following.

- Authorized signatory;
- Directors;
- Beneficial owner holding 25% or more of the Company's shares;
- Any person with principal control over the Company's assets; and
- Any person acting under a power of attorney or any other legal document.

14. Please provide personal information for each officer, director, and shareholder with more than 25% ownership of the company.

Name WALEED HAMED Title GENERAL MANAGER  
 Physical Address 4 C&D ESTATE STON FARM CHRISTIANSTED ST.CROIX 00820  
 Mailing Address P.O. BOX 763 CHRISTIANSTED, ST.CROIX USVI 00821-0763  
 Date of Birth 01/22/1962.  
 Country of Citizenship USA Telephone Number (340) 690-9395  
 Email address \_\_\_\_\_ Social Security Number 580-06-4454

Name MUFEED HAMED Title MANAGER  
 Physical Address SAME AS ABOVE..  
 Mailing Address SAME AS ABOVE..  
 Date of Birth 10/1/1971  
 Country of Citizenship USA Telephone Number (340) 690-0581  
 Email address \_\_\_\_\_ Social Security Number 580-19-5934

Name MAHER YUSUF Title PRESIDENT  
 Physical Address #14 ESTATE PLESSEN F' STED ST.CROIX USVI 00841  
 Mailing Address P.O. BOX 3649 KINGSHILL, ST.CROIX USVI 00851-3649  
 Date of Birth 4/28/1967  
 Country of Citizenship USA Telephone Number (340) 690-9396  
 Email address \_\_\_\_\_ Social Security Number 580-17-0046

Name FATHI YUSUF Title TREASURER  
 Physical Address #26 A TUTU PARK MALL (ST.THOMAS)  
 Mailing Address #26 A TUTU PARK MALL ST. THOMAS USVI 00802  
 Date of Birth 4/15/1941  
 Country of Citizenship USA Telephone Number (340) 690-9598.  
 Email address \_\_\_\_\_ Social Security Number 580-09-1013

12. Provide originals or certified true copies (if originals cannot be provided) of the following corporate documents:

- Certificate(s) of Incorporation / Registration;
- Memorandum and Articles of Incorporation / Association & By Laws;
- Notice of Address or Notice of Change of Address of Registered Office;
- Notice of Directors/Managers or Notice of Change of Directors/Managers;
- Notice of Appointment of Secretary and/or Notice of Change of Secretary;
- Register of Members / Shareholders, including the full name and address of each beneficial owner holding 25% or more of the Company's shares;
- Trade / Business Licenses and Registration documentation;
- Request for Name Search and/or Name Reservation;
- Certificate of Good Standing; or
- Any other documentation requested by the Account Officer.

**Note:** Wherever documents require renewal, a copy of the "updated" document is to be provided to Scotiabank upon each renewal / re-registration process.

13. If any of the following is itself a corporate entity then the items listed in section 12 are required for each such corporate entity, as well information regarding the following.

- Authorized signatory;
- Directors;
- Beneficial owner holding 25% or more of the Company's shares;
- Any person with principal control over the Company's assets; and
- Any person acting under a power of attorney or any other legal document.

14. Please provide personal information for each officer, director, and shareholder with more than 25% ownership of the company.

Name HISHAM HAMED Title MANAGER  
 Physical Address #14 ESTATE PLESSENF' STED ST.CROIX, USVI 00841  
 Mailing Address P.O.BOX 3649 KINGSHILL, ST.CROIX USVI 00851-3649  
 Date of Birth 12/19/1975  
 Country of Citizenship USA Telephone Number (340)690-3139  
 Email address \_\_\_\_\_ Social Security Number 580-19-5947

Name YUSUF YUSUF Title MANAGER  
 Physical Address 4C&D ESTATE SION FARM CHRISTIANSTED ST.CROIX USVI 00820  
 Mailing Address P.O.BOX 763, CHRISTIANSTED, ST.CROIX USVI 00821-0763  
 Date of Birth 4/24/1977  
 Country of Citizenship USA Telephone Number (340)690-8789  
 Email address \_\_\_\_\_ Social Security Number 580-21-9738

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Physical Address \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 Date of Birth \_\_\_\_\_  
 Country of Citizenship \_\_\_\_\_ Telephone Number \_\_\_\_\_  
 Email address \_\_\_\_\_ Social Security Number \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Physical Address \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 Date of Birth \_\_\_\_\_  
 Country of Citizenship \_\_\_\_\_ Telephone Number \_\_\_\_\_  
 Email address \_\_\_\_\_ Social Security Number \_\_\_\_\_



Name \_\_\_\_\_ Title \_\_\_\_\_  
 Physical Address \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 Date of Birth \_\_\_\_\_  
 Country of Citizenship \_\_\_\_\_ Telephone Number \_\_\_\_\_  
 Email address \_\_\_\_\_ Social Security Number \_\_\_\_\_

15. Are any of the signatories, officers, shareholders with more than 25% ownership, or their immediate family members; a current or former senior official in the executive, legislative, administrative, military or judiciary of a foreign government or a senior officer of a foreign Political Party, or a senior executive of any entity owned by a foreign government or do they maintain a personal or professional relationship with any such official?  
 NO XX YES \_\_\_\_ (If YES, provide further details as directed by the bank officer).

16. Scotiabank's standard operating documents are generally only provided after all of the account-opening requirements have been fully satisfied. To assist in this process, please complete the following questions regarding the authorized signatories and signing instructions.

A. Provide the name and title of each individual who is authorized to sign on the company's account. Authorized signers are required to provide two pieces of ID in original form (or notarized copy only when authorized by a bank employee) - one (1) primary piece being a government-issued photo-ID (e.g., valid passport, drivers licence) and one (1) secondary piece (e.g., birth certificate, credit card, social security card, etc):

Name WALEED HAMED Title GENERAL MANAGER  
 Physical Address SAME  
 Mailing Address AS  
 Date of Birth \_\_\_\_\_  
 Country of Citizenship ABOVE Telephone Number \_\_\_\_\_  
 Email address \_\_\_\_\_ Social Security Number \_\_\_\_\_

Name MUFEED HAMED Title MANAGER  
 Physical Address \_\_\_\_\_  
 Mailing Address SAME  
 Date of Birth AS  
 Country of Citizenship ABOVE Telephone Number \_\_\_\_\_  
 Email address \_\_\_\_\_ Social Security Number \_\_\_\_\_

Name MAHER YUSUF Title PRESIDENT  
 Physical Address \_\_\_\_\_  
 Mailing Address SAME  
 Date of Birth AS  
 Country of Citizenship \_\_\_\_\_ Telephone Number \_\_\_\_\_  
 Email address ABOVE Social Security Number \_\_\_\_\_

Name FATHI YUSUF Title TREASURER  
 Physical Address \_\_\_\_\_  
 Mailing Address SAME  
 Date of Birth AS  
 Country of Citizenship \_\_\_\_\_ Telephone Number \_\_\_\_\_  
 Email address ABOVE Social Security Number \_\_\_\_\_

Name HISHAM HAMED Title MANAGER  
 Physical Address \_\_\_\_\_  
 Mailing Address SAME  
 Date of Birth AS  
 Country of Citizenship \_\_\_\_\_ Telephone Number \_\_\_\_\_  
 Email address ABOVE . . . Social Security Number \_\_\_\_\_



Name YUSUF YUSUF Title MANAGER  
 Physical Address SAME  
 Mailing Address AS  
 Date of Birth \_\_\_\_\_  
 Country of Citizenship \_\_\_\_\_ Telephone Number \_\_\_\_\_  
 Email address ABOVE.. Social Security Number \_\_\_\_\_

B. Indicate the signing instructions for the above named individuals who are required to sign on the company's account (e.g., any one to sign; "A" to sign with either of "B" or "C", etc):

TWO SIGNATURES ARE REQUIRED (one Hamed with one Yusuf).

C. Provide names and applicable instructions for persons not authorized to sign on the account, but authorized to obtain the account balance, collect account statements, mail, etc. ID documents are also required as per item # 15:

D. Provide details of any other existing accounts / relationship held with any Scotiabank Group:

E. If so requested, provide a banker's reference on the aforementioned Company, prepared on the applicable Bank's letterhead, and signed by its Manager. If the Company is newly established and does not have an existing banking relationship then the reference is to be provided on the Parent Company / Beneficial Owner(s). The bank reference should comment on the quality of the banking relationship over at least two years, provide full details of the banking arrangements including the date of establishment of the account, type of account, currency of account, present balance, average balance over the previous twelve-month period, credit history, and be specifically addressed to Scotiabank, to provide meaningful support. Facsimile or email references, or references addressed "To Whom It May Concern" are not acceptable.

**SECTION 2 – PURPOSE FOR THE ACCOUNT AND ANTICIPATED ACCOUNT ACTIVITY**

1. Reason &/or purpose for requiring accounts(s) with Scotiabank, (including referral source if applicable):

~~This Account is already existing~~

2. Detailed overview of the Company's primary business activity (e.g., *business / products / services provided and how distributed to clients*); type of operations; countries in which/ to which transactions are processed; etc. (attach brochures of articles with pertinent information):

RETAILED SUPERMARKET.

3. Financial year end: December 31, 2011  
 Please provide a copy of the Company's latest financial statements or Annual Report.  Attached  
 If the Company is a subsidiary then provide a copy of the parent company's Annual Report,  Attached  
 & Corporate Tree detailing ownership particulars (as applicable). In-house financials are to be provided if  
 Accountant-prepared statements are not available.

4. Indicate the type of each account required (e.g., *Checking Account, Certificate of Deposit, Call Deposit*) and  
 services required (e.g., *wire transfers, letters of credit*):

CHECKING ACCOUNT

5. Scotiabank is required by law to satisfy itself as to the source of funds for deposits (e.g., from sales, dividends, inter-  
 company loans, etc). Also indicate from where, &/or from whom, funds for deposits are received. (Scotiabank  
 reserves the right to request additional documentary evidence to support the information provided):

RENT OF REAL PROPERTY

6. Provide details of the anticipated activity in # 7 below. Material change (i.e., in excess of 20%) in the activity  
 projected, requires that the company immediately notify the Account Manager / Relationship Officer, and discuss  
 with him/her whatever supporting information may be required to support the new statistics:

7. Normal & Expected Activity:

Number of checks expected to be issued in the average month: 1-50 51-100 101-150 151+  
 Total \$ value; 1,000.00 \$ \$ \$ \$  
Major Suppliers / Customers and average payments to them per month:

**SMALL INVOICES AMOUNT**

Largest amount of check (and its beneficiary) issued in the average month;

NONE

Large check payments at irregular intervals (e.g., *Payment to primary auto parts supplier - ABC Suppliers Ltd -  
 Sxx.x per quarter; XYZ Corporation - oil & batteries supplier - Syyy semi-annually, etc*);

**PROPERTY TAX**

Anticipated wire payments per month; NONE 1-5 6-9 10-15 15+  
 Total \$ value; \$ \$ \$ \$ \$  
Major Suppliers / Customers and average payments to them per month:

Number of anticipated deposits in the average month; 1-10 11-20 21-40 41+  
 Total \$ value; 30,000.00 \$ \$ \$ \$

7. Normal & Expected Activity (cont'd):

- Composition of the above deposits
- |                 |              |       |      |                       |
|-----------------|--------------|-------|------|-----------------------|
|                 | Checks       | Wires | Cash | Drafts / Money Orders |
| Total \$ value; | \$ 30,000.00 | \$    | \$   | \$                    |
- Major Clients and average payments by them per month:

- Letters of Credit &/or Collections Payments (i.e. for goods purchased from a Supplier);  
Major Clients and anticipated amounts:

NONE

8. Will this account be used to conduct business on behalf of someone other than the named account holder (s) (third party)? Yes (No). If "yes" provide details and supporting documentation for further review/discussion (as advised by the Bank Officer).  
[Note for Bank: If the reply is yes, record personal information of the third party and obtain identification and two letters of reference (if the third party is a non-resident).]

9. IMPORTANT INFORMATION ABOUT UNLAWFUL INTERNET GAMBLING

The Unlawful Internet Gambling Enforcement Act of 2006 ("UIGEA" or the "Act") and its implementing Regulation GG prohibit any person from knowingly accepting payments in connection with the participation of another person in unlawful Internet gambling.

The Act generally defines "unlawful Internet gambling" as placing, receiving, or otherwise knowingly transmitting a bet or wager (as defined by the Act) by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State Law.

I/we hereby certify the above-named business does NOT engage in an Internet gambling business of any kind, either legal or illegal, and will notify Scotiabank if this activity occurs.

10. I/We certify that to the best of our knowledge the information provided herein is accurate. If there are any subsequent changes to any of the information/documentation, we will notify Scotiabank by a signed letter.

I/We authorize the Bank to obtain independent verification from any public &/or internal sources, with respect to this application and in accordance with anti money laundering & anti terrorist financing laws & regulations.

I/We acknowledge that this account will be open for review by Compliance Officers and Auditors and by local government Auditors and Inspectors, subject to appropriate confidential restrictions by the bank.

I/We further confirm that all credits to the account are and will be beneficially owned by the company (or as detailed in item # 8).

**Disclosure of information:**

While the Bank is committed to protect the privacy and security of the information provided, it may be necessary to disclose information:

- o In response to credit enquiries from qualified legal financial institutions (usually with respect to the customer's application at said financial institution);
- o If the Bank in its discretion reasonably deems such disclosure necessary or desirable in furtherance of the customer's business;
- o Pursuant to legal process or subpoena served on the bank, and
- o If disclosure is reasonably necessary to protect the Bank's interests (the bank will usually notify the customer where permissible under the applicable legal process).



The Customer hereby consents to and authorizes such disclosure, and the Bank shall not become liable by reason of the giving of any such information or of it's being inaccurate or incomplete.

**IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT**

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify, and record information that identifies each person who opens an account.

What this means for you: When you open an account, we will ask for your name, address, date of birth, and other information that will allow us to identify you. We will ask to see two forms of identification, one of which must have a picture. We may also request other identifying documents.

Signature:   
Director / Authorized Signatory

Signature:   
Director / Authorized Signatory

Date: \_\_\_\_\_

For Bank Use Only:

Country of Risk \_\_\_\_\_

SIC Code \_\_\_\_\_

Assigned Risk Rating (H, M, L): \_\_\_\_\_

Reviewed by: \_\_\_\_\_  
(Bank Officer)

Date: \_\_\_\_\_

Authorized by: \_\_\_\_\_  
(Bank Officer)

Date: \_\_\_\_\_



The Customer hereby consents to and authorizes such disclosure, and the Bank shall not become liable by reason of the giving of any such information or of it's being inaccurate or incomplete.

**IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT**

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify, and record information that identifies each person who opens an account.

What this means for you: When you open an account, we will ask for your name, address, date of birth, and other information that will allow us to identify you. We will ask to see two forms of identification, one of which must have a picture. We may also request other identifying documents.

Signature: [Handwritten Signature]  
Director / Authorized Signatory

Signature: [Handwritten Signature]  
Director / Authorized Signatory

Date: 2/3/12

For Bank Use Only:

Country of Risk \_\_\_\_\_

SIC Code \_\_\_\_\_

Assigned Risk Rating (H, M, L): \_\_\_\_\_

Reviewed by: \_\_\_\_\_  
(Bank Officer)

Date: \_\_\_\_\_

Authorized by: \_\_\_\_\_  
(Bank Officer)

Date: \_\_\_\_\_



# EXHIBIT

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Backup Withholding Information

Name PLESSEN ENTERPRISES INC	Account Type 021 DEBIT BUSINESS	Account Number 197034470
Business Name if different from above PLESSEN ENTERPRISES INC	Branch SUNSHINE MAIL	Tax Identification Number (TIN) XXX-XX-578
Check one <input type="checkbox"/> Individual / Side proprietor	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Partnership
	<input type="checkbox"/> Other	Exempt from backup withholding
Address 1st PLESSEN	City and State CITY PA	
Address FREDERIKSTED VI 00840	Zip Code 00840	

CERTIFICATION

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued for me), and
- I am not subject to backup withholding because, a) I am exempt from backup withholding, or b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a US citizen or other US person (including a US resident alien).

**Certification Instructions:** Cross out item 2 if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. Item 2 does not apply for real estate transactions, for mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an Individual Retirement Account (IRA), and generally, payments other than interest and dividends. You are not required to sign the Certification, but you must provide your correct TIN.

Customer  
Signature

X

X

Date 03/16/2016

Notice on Tax Information

Federal Income Tax law requires you, as record owner of the above account, to provide us with your correct taxpayer identification number (TIN), in order for us to report certain payments we make to you. For most individual taxpayers the TIN is the social security number. See the reverse side of this form for more information on the number you must provide and Internal Revenue Service Form W-9 for further instructions. You must provide your TIN whether or not you are required to file a tax return.

If you do not provide us with your correct TIN, the IRS may impose certain penalties (see below) and we will be required to withhold 28% (after December 31, 2002) from the taxable payments we make to you. This is called "backup withholding". Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents and royalties.

You will not be subject to backup withholding if you give your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your return.

Purpose of Form

Use this form to report the taxpayer identification number (TIN) of the record owner of the account to the payer (or broker).

Payers must withhold 28% (after December 31, 2002) of taxable interest, dividend, and certain other payments if you fail to furnish payers with correct taxpayer identification number (this is referred to as backup withholding). For most individual taxpayers, the taxpayer identification number is the social security number.

To prevent backup withholding on these payments, use this form to notify payers of the correct taxpayer identification number and properly certify that you are not subject to

backup withholding under section 3406(a)(1)(C).

Backup Withholding

Payments you receive are subject to backup withholding if:

- You fail to furnish your taxpayer identification number to the payer, or
- The Internal Revenue Service notifies the payer that you furnished an incorrect taxpayer identification number, or
- You are notified that you are subject to backup withholding (under section 3406(a)(1)(C)), or
- For an interest or dividend account opened after December 31, 1983, you fail to certify to the payer that you are not subject to backup withholding under 3) above, or fail to certify your taxpayer identification number.

For payments other than interest or dividends, you are subject to backup withholding only if 1) or 2) above applies.



The terms and conditions stated herein and those contained in the Commercial Deposit Accounts Agreement (of which this Addendum is a part) constitute the complete Agreement between the Bank and the Depositor. Banco Popular de Puerto Rico reserves the right to change or revise any of the terms or conditions contained in this Addendum or the Commercial Deposit Accounts Agreement with prior notification to the Depositor. The Depositor accepts having received the Commercial Deposit Accounts Agreement and copy of this Addendum and confirms agreeing with the terms and conditions stipulated in these documents. For the accounts with Electronic Statement service, the Depositor also accepts receiving all communication related to their Deposit Account by electronic means.

You will be responsible for all debit transactions at automated teller machines and for purchases made with your ATH Card and/or your ATH International Card. The Provisions of Regulation E of the Consumer Financial Protection Bureau which regulates electronic funds transfers in consumer accounts and may limit the total fees by unauthorized use, do not apply to commercial accounts. You must protect your card and your PIN number.

X \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_  
Co-Depositor Signature Co-Depositor Signature Co-Depositor Signature

Lystra Roberts Copel \_\_\_\_\_  
Employee Name

6. AUTHORIZED PERSONS: MOHAMAD HAMED  
 WALEED HAMED  
 FATHI YUSUF

That in name and representation of the (Corporation, Partnership, or Association) any \_\_\_\_\_ of them may designate in writing the person(s) authorized to execute fund transfers to Bank's accounts or any other bank, subject to the terms and conditions established for this service.

- 7. Authorizes the Bank to pay all the checks, drafts, promissory notes, bills of exchange, letters of credit, orders for the payment of money, and any other negotiable instrument made, issued or endorsed by the (Corporation, Partnership or Association) against its deposit account which bears the facsimile signature made by stamp, machine or other mechanical device of the signatures of the designated person in the same Articles that have resolution from facsimile signature.
- 8. The authority granted to the persons mentioned above will remain full force and effect until revoked. Notice in writing of the revocation is given to the Bank and receipt of such notice is acknowledged by the Bank. Likewise, by this Resolution all previous authorizations granted to other persons to accomplish all or any of the actions mentioned in this Resolution, are revoked.
- 9. In the event of the death of an Authorized Signatory the (Corporation, Partnership, or Association) shall submit immediately to the Bank a new resolution in order to replace or to eliminate such signatory.
- 10. Names, signature and title of the authorized persons by this Resolution to act in the name of the (Corporation, Partnership, or Association):

Name	Signature	Facsimile Signature	Title
WALEED HAMED	X 		Vice President
FATHI YUSUF	X		Secretary/Treasurer

I further CERTIFY, that at the meeting of the Board of Directors, at which the above Resolution was adopted, the reglamentary quorum of the directors was present; that said Resolution is in full force and effect and that it does not contravene the Articles of Incorporation of the said (Corporation, Partnership, or Association).

I also Certify that the (Corporation, Partnership, or Association):

- It has By-laws and that these do not contain any provision that affects or limits the businesses of (Corporation, Partnership, or Association) with Banco Popular.

Does not have By-laws.

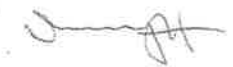
Applies only to Non Profit Churches (Does Not Apply to Virgin Islands)

We hereby certify that the Church does not conduct business and/or sales of taxable items of any kind in the Commonwealth of Puerto Rico. The Church is dedicated exclusively to carrying out religious services and receives funds only from donations, gifts and/or tithes.

in WITNESS WHEREOF, I issue this certification under my signature and official seal of the (Corporation, Partnership, or Association) in FREDERIKSTED, VI, this day of 16 May 2018

X  by POA  
 President Secretary

Corporate Seal

Número de Cuenta / Account Number <b>197-03447-0</b>	Tipo de Cuenta / Account Type <b>021 IDEAL BUSINESS</b>	Núm. de Banco / Bank No. <b>002</b>	Sucursal / Branch <b>SUNSHINE MALL</b>	Fecha / Date <b>05/16/2016</b>
Nombre de la Cuenta / Account Name <b>PLESSEN ENTERPRISES INC</b>		Relación en la Cuenta / Número de Instrumento (solo aplica a IRAs, CAs y CDs) / Account Relationship / Instrument Number (only applies to IRAs, CAs and CDs)		Cantidad de Firmas Requeridas / Required Signatures Quantity <b>2</b>
				Tipo de Abertura / Transaction <b>NEW ACCOUNT</b>
<p>Confirma haber recibido, leído y entendido las divulgaciones y los términos y condiciones aplicables al Tipo de Cuenta arriba indicado. Acuerdo que los mismos me obligan y rigen la relación contractual que tengo con el Banco. / I confirm having received, read and understood the disclosures and the terms and conditions applicable to the Account Type indicated above and I agree that the same will bind me and will govern the contractual relationship I have with the Bank.</p> <p>Asegúrese de firmar en el espacio correspondiente. Utilice tinta negra para firmar y no exceda los límites del encasillado. / Make sure of signing in the corresponding space, use black ink and do not exceed the limits of the marks.</p>				
	Nombre / Name	Seguro Social / Social Security	Req.	Firma / Signature
1			<input type="checkbox"/>	
		<input type="checkbox"/> Actualizar Firma / Update Signature		
2	<b>WALEED HAMED</b>	<b>580-06-4454</b>	<input type="checkbox"/>	
		<input type="checkbox"/> Actualizar Firma / Update Signature		
3	<b>FATHI YUSUF</b>	<b>580-0901013</b>	<input type="checkbox"/>	
		<input type="checkbox"/> Actualizar Firma / Update Signature		
4			<input type="checkbox"/>	
		<input type="checkbox"/> Actualizar Firma / Update Signature		
5			<input type="checkbox"/>	
		<input type="checkbox"/> Actualizar Firma / Update Signature		
Comentarios / Comments:				
				Oficial / Officer

BR0793768 (4)

SUCURSAL - CMS / BRANCH - CMS

# EXHIBIT

3

**From:** [Nizar DeWood](#)  
**To:** "Joel Holt"  
**Cc:** [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com); [carl@carlhartmann.com](mailto:carl@carlhartmann.com); [kimjapinga@gmail.com](mailto:kimjapinga@gmail.com); [johngaffney@tampabay.rr.com](mailto:johngaffney@tampabay.rr.com); [dewoodlaw@gmail.com](mailto:dewoodlaw@gmail.com)  
**Subject:** RE: KAC  
**Date:** Monday, May 23, 2016 9:05:45 AM  
**Attachments:** [Scotia Bank Application \(002\).pdf](#)

---

Joel,

I asked you to open the account according to the application the Yusufs and Hameds filed with ScotiaBank to open Plessen's previous operating account. See attached application. You changed everything to suit the Hameds in the Banco application. This is unacceptable. You or I can prepare an application consistent with the Scotia Bank application. The parties didn't have a problem with it back then, there should be no problem now. Let's do it today so we can open the account with the correct information.

As for Hamed's health, I am referring to Plessen Enterprises, Inc., and not the partnership. If Mohammed Hamed is unable to function as an independent person, Waleed Hamed cannot act on his behalf also as an agent. There has to be a Mohammed Hamed somewhere independent of Waleed Hamed. Whether my inquiry regarding his health is personal or "litigation" related is immaterial. Is he capable of functioning as a president or not? Is he on St. Croix?

Sincerely,

Nizar A. DeWood, Esq.

DeWood Law  
2006 Eastern Suburb, Suite 102  
Christiansted, V.I. 00820  
T. (340) 773-3444 | F. (888) 398-8428  
[nizar@dewood-law.com](mailto:nizar@dewood-law.com)

**From:** Joel Holt [mailto:[holtvi@aol.com](mailto:holtvi@aol.com)]  
**Sent:** Monday, May 23, 2016 7:20 AM  
**To:** [nizar@dewood-law.com](mailto:nizar@dewood-law.com)  
**Cc:** [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com); [carl@carlhartmann.com](mailto:carl@carlhartmann.com); [kimjapinga@gmail.com](mailto:kimjapinga@gmail.com); [johngaffney@tampabay.rr.com](mailto:johngaffney@tampabay.rr.com); [dewoodlaw@gmail.com](mailto:dewoodlaw@gmail.com)  
**Subject:** Re: KAC

Nizar—in early March we discussed the fact that Plessen needed a new bank account. At that time you agreed that the Hameds should open the accounts with the three directors being the two Hamed's and Fathi, but that this fact would not be used in any litigation. Based on that agreement, Mafi Hamed went to Banco Popular to see



what was needed. He got the list and I then sent an email to John Gaffney to get the documents needed to open the account, which was copied to you. That inquiry generated a series of emails about getting this done, which are attached.

When John got me the needed documents, I sent you another email to confirm that the information contained therein could be filed with the bank without prejudice to our respective rights, as there were some items included in his paperwork that are contested, like who is the registered agent. That email is also attached.

In the interim, the bank allowed the account to be opened on the promise that the follow-up documents would be submitted shortly. This allowed the 3 KAC checks you were concerned about to be deposited into a Plessen account. The account as opened allowed Wally and Fathi to control the funds, as nothing could be done unless both signed.

Thus, I do not understand the sudden change in your position. The account is open, funds are protected with the two signature requirement and who serves as directors cannot be used in any litigation. Why is there still an issue here? Please get me the executed documents so Plessen can have a bank account.

Finally, regarding your question about Mohammed Hamed is curious for two reasons. First, Wally has acted as his father's agent as long as we have been litigating, so nothing has changed. Second, I would think any inquiry from you as to his health would be one of genuine concern, not just another litigation inquiry—did I misunderstand your motive?

Joel H. Holt, Esq.  
2132 Company Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709

-----Original Message-----

From: Nizar DeWood <nizar@dewood-law.com>

To: 'Joel Holt' <holtvi@aol.com>

Cc: ghodges <ghodges@dtflaw.com>; carl <carl@carlhartmann.com>; kimjapinga <kimjapinga@gmail.com>; johngaffney <johngaffney@tampabay.rr.com>; 'Nizar DeWood' <dewoodlaw@gmail.com>

Sent: Sat, May 21, 2016 8:14 am

Subject: RE: KAC

Good morning Joel,

Yes we need to open an account for Plessen immediately, but not according to your terms. I will send you a detailed letter and a copy of the previous Scotia application, which clearly shows Mike Yusuf is both a director and an officer of Plessen, contrary to your representation that he was never listed as a director.

I understand you are doing your best to never acknowledge Mike as a director of Plessen, but we cannot agree to the application you sent. I ask that the new application be the same as the previous one from Scotia to open the account. The bank account should not be held hostage subject to your versions of the fact.

Also, I understand that Mohammed Hamed has serious health issues, and cannot function as the president of Plessen. Is he available on St. Croix, if so what is his health status, or does he do everything through Waleed Hamed?

Sincerely,

Nizar A. DeWood, Esq.

DeWood Law  
2006 Eastern Suburb, Suite 102  
Christiansted, V.I. 00820  
T. (340) 773-3444 | F. (888) 398-8428  
[nizar@dewood-law.com](mailto:nizar@dewood-law.com)

**From:** Joel Holt [<mailto:holtvi@aol.com>]

**Sent:** Friday, May 20, 2016 4:32 PM

**To:** [holtvi@aol.com](mailto:holtvi@aol.com); [nizar@dewood-law.com](mailto:nizar@dewood-law.com); [johngaffney@tampabay.rr.com](mailto:johngaffney@tampabay.rr.com)

**Cc:** [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com); [carl@carlhartmann.com](mailto:carl@carlhartmann.com); [kimjapinga@gmail.com](mailto:kimjapinga@gmail.com)

**Subject:** Re: KAC

Nizar-are you having your clients fill out these forms so we can complete opening this bank account for Plessen?

Joel H. Holt, Esq.  
2132 Company Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709

-----Original Message-----

From: Joel Holt <[holtvi@aol.com](mailto:holtvi@aol.com)>

To: nizar <[nizar@dewood-law.com](mailto:nizar@dewood-law.com)>; johngaffney <[johngaffney@tampabay.rr.com](mailto:johngaffney@tampabay.rr.com)>

Cc: ghodges <[ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)>; carl <[carl@carlhartmann.com](mailto:carl@carlhartmann.com)>; kimjapinga <[kimjapinga@gmail.com](mailto:kimjapinga@gmail.com)>

Sent: Tue, May 17, 2016 9:51 am

Subject: Re: KAC

Nizar-the previous bank accounts did not list Mahar as a director. In any event, a new

account has been opened and the three KAC rent checks have been deposited into it. By copy of the email I am requesting John Gaffney to send the rent checks from the St. Thomas tenant, as well as the check sent by Scotia closing that account so they can be deposited as well.

I have also attached the bank documents that Fathi Yusuf needs to sign and return in several places as noted as well as above the line for "Secretary". Please get this back to me this week.

Also, please copy Carl and Kim on all emails-thanks

Joel H. Holt, Esq.  
2132 Company Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709

-----Original Message-----

From: Nizar DeWood <[nizar@dewood-law.com](mailto:nizar@dewood-law.com)>

To: 'Joel Holt' <[holtvi@aol.com](mailto:holtvi@aol.com)>

Cc: ghodges <[ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)>

Sent: Mon, May 16, 2016 3:46 pm

Subject: RE: KAC

Joel,

Please provide all rents outstanding in cashier's checks. As you are forcing Mr. Yusuf to bear the costs of the fees, will deal with the fees in a separate motion. For now, the cashier's checks should be issued promptly for all rents owing.

As for the checking account, the parties should open them as they always have, with Maher Yusuf as a director. The Hameds had no problem listing Mike as a director back then, and therefore should have no problem listing him as a director now on the bank application.

As you have already denied that Maher Yusuf is a director in the pending litigation, there should be no problem opening the account the way the parties previously did. Advise if we can open the account to deposit the funds, pay expenses, etc.

Sincerely,

Nizar A. DeWood, Esq.

DeWood Law  
2006 Eastern Suburb, Suite 102  
Christiansted, V.I. 00820  
T. (340) 773-3444 | F. (888) 398-8428  
[nizar@dewood-law.com](mailto:nizar@dewood-law.com)

**From:** Joel Holt [<mailto:holtvi@aol.com>]  
**Sent:** Monday, May 2, 2016 5:55 PM  
**To:** [dewoodlaw@gmail.com](mailto:dewoodlaw@gmail.com); [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)  
**Subject:** KAC

Nizar-Copy of the KAC May rent is attached—glad to give the checks to Gaffney. I did send an email about the annual financial statements for Lt, Gov. (needed to get a certificate of good standing) yesterday—please let me know if there is a response so we can get the account opened—thanks

Joel H. Holt, Esq.  
2132 Company Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709

# EXHIBIT

4

**From:** [Joel Holt](#)  
**To:** [nizar@dewood-law.com](mailto:nizar@dewood-law.com)  
**Subject:** Re: Banco Popular  
**Date:** Wednesday, May 18, 2016 2:40:48 PM

---

Nizar-I really do not understand this email. You wanted the KAC rent checks deposited into a Plessen account. That is resolved. You agreed that the opening of the account would be done by the Hamed's, but without prejudice to any litigation, so that is a non-issue. Finally, the Plessen account as opened allows withdrawals only if Fathi and Wally both sign. Thus, I hope this email answers your concerns, but I am glad to discuss this further if you need any more clarification.

In any event, please have the form I sent signed and returned so we can complete this process.

As for you last question, I am unaware of any "disability" of Mr. Hamed.

Joel H. Holt, Esq.  
2132 Company Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709

-----Original Message-----

From: Nizar DeWood <nizar@dewood-law.com>  
To: 'Joel Holt' <holtvi@aol.com>  
Sent: Wed, May 18, 2016 1:39 pm  
Subject: Banco Popular

Joel,

Did you open this account without consulting with us? Who created the resolution that you attached?

Also, could you tell me if Mohammed Hamed is on island and if he is under any disability?

Sincerely,

Nizar A. DeWood, Esq.

DeWood Law  
2006 Eastern Suburb, Suite 102  
Christiansted, V.I. 00820  
T. (340) 773-3444 | F. (888) 398-8428  
[nizar@dewood-law.com](mailto:nizar@dewood-law.com)

# EXHIBIT

5

**From:** [Nizar DeWood](#)  
**To:** "Joel Holt"  
**Cc:** [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com); [carl@carlhartmann.com](mailto:carl@carlhartmann.com); [kimjapinga@gmail.com](mailto:kimjapinga@gmail.com); [johngaffney@tampabay.rr.com](mailto:johngaffney@tampabay.rr.com); "Nizar DeWood"  
**Subject:** RE: KAC  
**Date:** Saturday, May 21, 2016 8:14:36 AM

---

Good morning Joel,

Yes we need to open an account for Plessen immediately, but not according to your terms. I will send you a detailed letter and a copy of the previous Scotia application, which clearly shows Mike Yusuf is both a director and an officer of Plessen, contrary to your representation that he was never listed as a director.

I understand you are doing your best to never acknowledge Mike as a director of Plessen, but we cannot agree to the application you sent. I ask that the new application be the same as the previous one from Scotia to open the account. The bank account should not be held hostage subject to your versions of the fact.

Also, I understand that Mohammed Hamed has serious health issues, and cannot function as the president of Plessen. Is he available on St. Croix, if so what is his health status, or does he do everything through Waleed Hamed?

Sincerely,

Nizar A. DeWood, Esq.

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T. (340) 773-3444 | F. (888) 398-8428  
[nizar@dewood-law.com](mailto:nizar@dewood-law.com)

**From:** Joel Holt [mailto:[holtvi@aol.com](mailto:holtvi@aol.com)]  
**Sent:** Friday, May 20, 2016 4:32 PM  
**To:** [holtvi@aol.com](mailto:holtvi@aol.com); [nizar@dewood-law.com](mailto:nizar@dewood-law.com); [johngaffney@tampabay.rr.com](mailto:johngaffney@tampabay.rr.com)  
**Cc:** [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com); [carl@carlhartmann.com](mailto:carl@carlhartmann.com); [kimjapinga@gmail.com](mailto:kimjapinga@gmail.com)  
**Subject:** Re: KAC

Nizar-are you having your clients fill out these forms so we can complete opening this bank account for Plessen?

Joel H. Holt, Esq.



2132 Company Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709

-----Original Message-----

From: Joel Holt <holtvi@aol.com>  
To: nizar <nizar@dewood-law.com>; johngaffney <johngaffney@tampabay.rr.com>  
Cc: ghodges <ghodges@dtflaw.com>; carl <carl@carlhartmann.com>; kimjapinga <kimjapinga@gmail.com>  
Sent: Tue, May 17, 2016 9:51 am  
Subject: Re: KAC

Nizar-the previous bank accounts did not list Mahar as a director. In any event, a new account has been opened and the three KAC rent checks have been deposited into it. By copy of the email I am requesting John Gaffney to send the rent checks from the St. Thomas tenant, as well as the check sent by Scotia closing that account so they can be deposited as well.

I have also attached the bank documents that Fathi Yusuf needs to sign and return in several places as noted as well as above the line for "Secretary". Please get this back to me this week.

Also, please copy Carl and Kim on all emails-thanks

Joel H. Holt, Esq.  
2132 Company Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709

-----Original Message-----

From: Nizar DeWood <nizar@dewood-law.com>  
To: 'Joel Holt' <holtvi@aol.com>  
Cc: ghodges <ghodges@dtflaw.com>  
Sent: Mon, May 16, 2016 3:46 pm  
Subject: RE: KAC

Joel,

Please provide all rents outstanding in cashier's checks. As you are forcing Mr. Yusuf to bear the costs of the fees, will deal with the fees in a separate motion. For now, the cashier's checks should be issued promptly for all rents owing.

As for the checking account, the parties should open them as they always have, with Maher Yusuf as a director. The Hameds had no problem listing Mike as a director back then, and therefore should have no problem listing him as a director now on the bank application.

As you have already denied that Maher Yusuf is a director in the pending litigation, there should be no problem opening the account the way the parties previously did. Advise if we can open the

account to deposit the funds, pay expenses, etc.

Sincerely,

Nizar A. DeWood, Esq.

DeWood Law  
2006 Eastern Suburb, Suite 102  
Christiansted, V.I. 00820  
T. (340) 773-3444 | F. (888) 398-8428  
[nizar@dewood-law.com](mailto:nizar@dewood-law.com)

**From:** Joel Holt [<mailto:holtvi@aol.com>]  
**Sent:** Monday, May 2, 2016 5:55 PM  
**To:** [dewoodlaw@gmail.com](mailto:dewoodlaw@gmail.com); [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)  
**Subject:** KAC

Nizar-Copy of the KAC May rent is attached—glad to give the checks to Gaffney. I did send an email about the annual financial statements for Lt. Gov. (needed to get a certificate of good standing) yesterday—please let me know if there is a response so we can get the account opened—thanks

Joel H. Holt, Esq.  
2132 Company Street  
Christiansted, St. Croix  
U.S. Virgin Islands 00820  
(340) 773-8709

# EXHIBIT

6

**From:** [Nizar DeWood](#)  
**To:** ["Joel Holt"](#)  
**Subject:** Plaza West Rent  
**Date:** Monday, April 4, 2016 3:50:45 PM

---

Joel,

Because no bank account is open to receive the funds, please provide the rent in cashier's check. Yusuf agrees to bank fees. Please advise

Nizar A. DeWood, Esq.

DeWood Law  
2006 Eastern Suburb, Suite 102  
Christiansted, V.I. 00820  
T. (340) 773-3444 | F. (888) 398-8428  
[nizar@dewood-law.com](mailto:nizar@dewood-law.com)

# EXHIBIT

7

**From:** [Nizar DeWood](#)  
**To:** "Joel Holt"  
**Cc:** [ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)  
**Subject:** RE: KAC  
**Date:** Monday, May 16, 2016 3:46:20 PM

---

Joel,

Please provide all rents outstanding in cashier's checks. As you are forcing Mr. Yusuf to bear the costs of the fees, will deal with the fees in a separate motion. For now, the cashier's checks should be issued promptly for all rents owing.

As for the checking account, the parties should open them as they always have, with Maher Yusuf as a director. The Hameds had no problem listing Mike as a director back then, and therefore should have no problem listing him as a director now on the bank application.

As you have already denied that Maher Yusuf is a director in the pending litigation, there should be no problem opening the account the way the parties previously did. Advise if we can open the account to deposit the funds, pay expenses, etc.

Sincerely,

Nizar A. DeWood, Esq.

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2006 Eastern Suburb, Suite 102  
Christiansted, V.I. 00820  
T. (340) 773-3444 | F. (888) 398-8428  
[nizar@dewood-law.com](mailto:nizar@dewood-law.com)

**From:** Joel Holt [mailto:[holtvi@aol.com](mailto:holtvi@aol.com)]  
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**Subject:** KAC

Nizar-Copy of the KAC May rent is attached—glad to give the checks to Gaffney. I did send an email about the annual financial statements for Lt. Gov. (needed to get a certificate of good standing) yesterday—please let me know if there is a response so we can get the account opened—thanks

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