

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

**HISHAM HAMED, individually, and  
derivatively, on behalf of SIXTEEN PLUS  
CORPORATION,**

*Plaintiff,*

v.

**FATHI YUSUF, ISAM YOUSUF and  
JAMIL YOUSEF**

*Defendants,*

and

**SIXTEEN PLUS CORPORATION,**

*a nominal Defendant.*

Case No.: 2016-SX-CV-650

**DERIVATIVE SHAREHOLDER  
SUIT, ACTION FOR DAMAGES  
AND CICO RELIEF**

**JURY TRIAL DEMANDED**

**RULE 47 MOTION FOR AN ORDER OF DEFAULT**

This motion for entry of default is filed pursuant to Rule 47. The Plaintiff hereby moves for an order of default against Isam Yousef and Jamil Yousef. Both Defendants have been served. See **Exhibit 1**. More than 30 days have passed since service was made. As such, the Plaintiff requests that an order of default be entered. A proposed Order is attached.

**Dated:** March 9, 2017

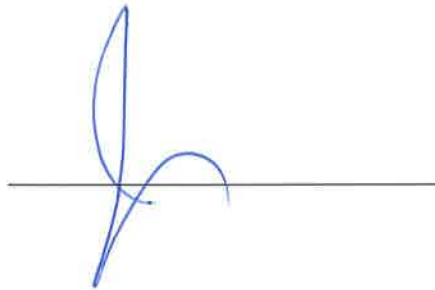
  
\_\_\_\_\_  
**Joel H. Holt, Esq. (Bar # 6)**  
*Counsel for Plaintiffs*  
Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, VI 00820  
Email: holtvi@aol.com  
Tele: (340) 773-8709  
Fax: (340) 773-8677

**Carl J. Hartmann III, Esq.**  
*Co-Counsel for Plaintiffs*  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
Email: carl@carlhartmann.com

### CERTIFICATE OF SERVICE

I hereby certify that on this 9<sup>th</sup> day of March, 2017, I served a copy of the foregoing by mail and email, as agreed by the parties, on:

**Greg Hodges**  
**Stefan Herpel**  
**Lisa Komives**  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
ghodges@dtflaw.com

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be the name of the person certifying the service.

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

**HISHAM HAMED**, individually, and  
derivatively on behalf of **SIXTEEN PLUS  
CORPORATION**,

*Plaintiff,*

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JAMIL YOUSEF**

*Defendants,*

and

**SIXTEEN PLUS CORPORATION,**

*a nominal defendant.*

Case No.: 2016-SX-CV-650

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SUIT, ACTION FOR DAMAGES AND  
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**JURY TRIAL DEMANDED**

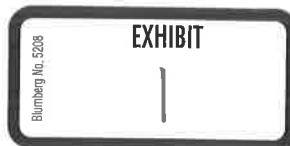
**NOTICE OF FILING PROOF OF SERVICE**

COMES NOW Plaintiff, HISHAM HAMED, individually and derivatively, on behalf of Sixteen Plus Corporation, by counsel, and hereby gives notice of filing proof of service of the First Amended Complaint on defendants Isam Yousuf a/k/a Isam Yousef and Jamil Yousef on January 23, 2017 as per the Affidavit of Service attached hereto as **Exhibit A and B.**

**Dated:** January 26, 2017

  
\_\_\_\_\_  
**Joel H. Holt, Esq. (Bar # 6)**  
*Counsel for Plaintiff*

Law Offices of Joel H. Holt  
2132 Company Street,  
Christiansted, VI 00820  
Email: holtvi@aol.com  
Tele: (340) 773-8709  
Fax: (340) 773-8677

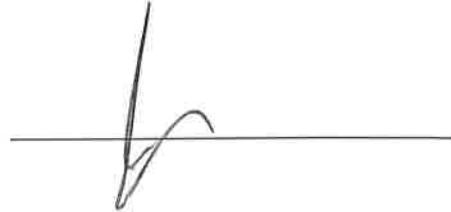


**Carl J. Hartmann III, Esq.**  
*Co-Counsel for Plaintiff*  
5000 Estate Coakley Bay, L-6  
Christiansted, VI 00820  
Email: carl@carlhartmann.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of January, 2017, I served a copy of the foregoing by email, as agreed by the parties, on:

**Gregory H. Hodges**  
**Stephen Herpel**  
Law House, 10000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00802  
ghodges@dtflaw.com



**AFFIDAVIT OF SERVICE**  
**(complaint and summons)**

COUNTRY: St. Croix, U.S.V.I.  
COURT: Superior Court of the Virgin Islands, District of St. Croix  
CAPTION: **Hisham Hamed**, derivatively, on behalf of **Sixteen Plus Corporation, Plaintiff**  
Vs.  
**Fathi YUSUF, Isam YOUSUF and Jamil YOUSEF, Defendants**  
Case No: 2016-SX-CV-650

St. Maarten,  
City of Philipburg

I declare that I, **Solange Monique APON**, sworn bailiff with the court of First Instance and the Joint Courts of Aruba, Curacao, St. Maarten and the BES islands, section St. Maarten, am a citizen of St. Maarten, Dutch West Indies, over the age of twenty-one, not a party nor an attorney for any party in this action, and that within the boundaries of the country where service was effected, I was authorized to perform the following service:

- A) Copy of Summons,
- B) Copy of Amended Complaint, including exhibits, dd. 12<sup>th</sup>. January 2017

Date Received: 17<sup>th</sup>. January 2017

1. Service on **Isam YOUSUF, aka Isam YOUSEF**, was accomplished by personally delivering the above-mentioned documents to:
- INDIVIDUAL SERVICE; served the within-named person.
  - SUBSTITUTE SERVICE; by serving it to: Jamil Yousef, his son.
  - CORPORATE SERVICE; served the within named corporation to any superior or officer of within mentioned corporation.
  - NON SERVICE; for reasons detailed in the comments below;.....  
.....  
.....  
.....



( ) SERVICE ACCORDING to the laws of St. Maarten; "leaving at  
aforementioned address in a sealed envelope containing the particulars  
as required by the law, because I saw no one there who could legally  
be left with a copy of the documents (ex. Art. 2, paragraph 1 + 2,  
Code of Civil Procedure)"


2. At the address of; 25 Gold Finch Road, Pointe Blanche, St. Maarten,  
D.W.I. / Travel Lodge Inn, Airport Road, Simpson Bay, St. Maarten, D.W.I.


On the 23<sup>rd</sup>. day of January, 2017 at 12:55

  
Solange M. APON

Subscribed and Sworn to before me this 24<sup>th</sup> day of January 2017

Seen for legalization of the signature of SOLANGE MONIQUE APON,  
who identified herself with a drivers license, issued by Sint Maarten,  
under number DSA015456/1962100676, by me, Marlène Françoise  
Mingo, LL.M., a civil law notary, established on Sint Maarten, on this  
24<sup>th</sup> day of January, 2017. This declaration for the legalization of the  
signature, by the civil law notary, contains no opinion as to the  
contents of this document.

  
Marlene Françoise Mingo  
Notary at Law for St. Maarten  
a civil law notary





Date: <i>10/15/2017</i>
Notary Office: <i>M.F. Mingo</i>
<b>COPY OF ORIGINAL</b>

000023963

1 SURNAME / NAAM	
2 GIVEN NAME(S) / VOORNAMEN	
3 DATE OF BIRTH / GEBORTE DATUM	
4 PLACE OF BIRTH / GEBORTE PLAATS	
5 DATE OF ISSUE / AFGEFATUM	
6 DATE OF EXPIRY / GELDIG TOT	
7 PLACE OF ISSUANCE / PLAATS VAN AFGEFTE	
8 LICENSE NUMBER / RIJWISNUMMER	
9 PORTRAIT / FOTO	
10 SIGNATURE / HANDTEKENING	
11 CATEGORY / CATEGORIE(N)	
12 RESTRICTIONS / BEPERKINGEN	

13 FRIJWILLENDE RIJWISNUMMER  
 14 RIJWISNUMMER  
 15 DATE OF EXPIRY  
 16 DATE OF ISSUE  
 17 PLACE OF BIRTH  
 18 PLACE OF ISSUANCE  
 19 DATE OF EXPIRY  
 20 DATE OF ISSUE  
 21 SIGNATURE  
 22 PORTRAIT / FOTO  
 23 CATEGORY  
 24 RESTRICTIONS

ISSUED ON BEHALF OF THE MINISTER OF JUSTICE / AFGEFEN NAAMENS DE MINISTER VAN RECHTERE

1 APON  
 2 SOLANGE MONIQUE  
 3 06 OCT 1962  
 4 SINT MAARTEN  
 5 23 FEB 2015  
 6 27 FEB 2020  
 7 SINT MAARTEN  
 8 1962100676  
 9 SINT MAARTEN

Driver's License / Rijbewijs  
 10 DSA015456

Sint Maarten

Sint Maarten

Driver's License / Rijbewijs  
nr DSA015456



1 APON

2 SOLANGE MONIQUE

3 06 OCT 1962

4 SINT MAARTEN

5 23 FEB 2015

6 27 FEB 2020

7 B

10 No. 1962100676  
11 SINT MAARTEN



ISSUED ON BEHALF OF THE MINISTER OF JUSTICE/AFGEVEN NAMENS DE MINISTER VAN JUSTITIE



Gemeenschappelijk  
Hof van Justitie

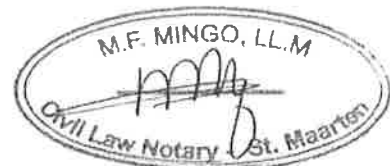


Solange M. Apon

Deurwaarder

Geb : 1962.10.04.76

COPY







( ) SERVICE ACCORDING to the laws of St. Maarten; "leaving at  
aforementioned address in a sealed envelope containing the particulars  
as required by the law, because I saw no one there who could legally  
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D.W.I. / Travel Lodge Inn, Airport Road, Simpson Bay, St. Maarten, D.W.I.

On the 23<sup>rd</sup>. day of January, 2017 at 12:55

  
Solange M. APON

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Seen for legalization of the signature of SOLANGE MONIQUE APON,  
who identified herself with a drivers license, issued by Sint Maarten,  
under number DSA015456/1962100676, by me, Marlène Françoise  
Mingo, LL.M., a civil law notary, established on Sint Maarten, on this  
24<sup>th</sup> day of January, 2017. This declaration for the legalization of the  
signature, by the civil law notary, contains no opinion as to the  
contents of this document.

  
Marlene Françoise Mingo  
Notary at Law for St. Maarten,  
a civil law notary





Sint Maarten

Driver's License / Rijbewijs  
no. DSA015456



✦ APON

✦ SOLANGE MONIQUE

✦ 06 OCT 1962

✦ SINT MAARTEN

✦ 23 FEB 2015

✦ 27 FEB 2020

ID No. 1962100676

✦ SINT  
MAARTEN

✦ B

✦ 12

ISSUED ON BEHALF OF THE MINISTER OF JUSTICE / AFGEGEVEN NAMENS DE MINISTER VAN JUSTITIE



Gemeenschappelijk  
Hof van Justitie



Solange M. Apon

Deurwaarder

Geb : 1962.10.04.76

COPY



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**JURY TRIAL DEMANDED**

**ORDER**

This matter is before the Court on the Plaintiff's Motion for Default against Defendants Isam Yousuf and Jamil Yousef pursuant to Rule 47. Upon consideration of the matters before the Court, it is hereby

**ORDERED THAT** the Motion Is Granted and the Defendants, Isam Yousuf and Jamil Yousef are hereby declared to be in Default.

Dated:

\_\_\_\_\_  
**HONORABLE ROBERT A. MOLLOY**  
Judge, Superior Court

ATTEST: ESTRELLA GEORGE  
Acting Clerk of Court

By: \_\_\_\_\_  
Deputy Clerk

Dist: Joel H. Holt, Carl Hartmann, Gregory Hodges, Stephen Herpel. Lisa Komives