

identification information that should have been redacted, Hamed filed his Revised Notice of Partnership Claims and Objections on October 17, 2016, replacing in its entirety the original filing. Pursuant to Order entered December 21, 2016, the original filing was returned to Plaintiff's counsel in its entirety. As such, Yusuf's first Motion will be denied, as moot. Yusuf's subsequent motions regarding Hamed's replacement filing is addressed below.

By his second Motion, Yusuf seeks an order striking the Notice of Hamed's First Supplemental Claims Occasioned by Yusuf's Disclosures in his Claims, filed October 6, 2016, presenting two specific supplemental monetary claims that purportedly only became apparent from reviewing Yusuf's claims filed with the Master on September 30, 2016. Yusuf reasserts the argument presented in his first Motion that, pursuant to the Master's direction that "claims against or on behalf of the partnership should be filed with the Master and served on opposing counsel only," all documents filed with the Court regarding the partners' § 71(a) accounting claims must be stricken from the record.

Yusuf's third Motion reiterates the first, seeking to strike Hamed's Revised Notice of Claims and Objections, filed October 17, 2016, which replaced Hamed's original filing of claims and objections, pursuant to the Master's directive that "claims against or on behalf of the partnership should be filed with the Master and served on opposing counsel only." Yusuf's Motion also seeks to strike "Plaintiff Hamed's Notice of Supplementation of Record," with certificate noting service on November 30, 2016, actually served on Yusuf's counsel December 1, 2016.⁴ Yusuf argues that, pursuant to Virgin Islands Rule of Civil Procedure 5(d)(1), certain discovery materials, including expert reports, "must not be filed until they are used in the proceeding or the court orders filing."

Although Yusuf is correct that the above referenced filings were submitted to the Court in clear violation of the Master's directive, in this limited instance, the Court finds Hamed's failure to comply with the Master's directive to be harmless, as all filings concerning the partners' § 71(a) accounting claims will ultimately need to be submitted to the Court in order to allow for substantive review of the Master's final recommendation on the partnership accounting. By separate Order entered contemporaneously herewith, the parties are required to meet and confer, under the supervision of the Master, to implement a docketing/record-retention system to alleviate any concerns that documents submitted to the Master will not be subject to judicial or appellate review. In the future, failure to comply

⁴ Neither the Court's file nor electronic docket contains any reference to such a filing on November 30 or December 1, 2016.

with the Master's directives may result in appropriate sanctions, as such directives, issued under the authority of the Master pursuant to the Final Wind Up Plan, are designed to facilitate the efficient resolution of this matter and to avoid burdening both the parties and the Court with added costs associated with duplicative filings.

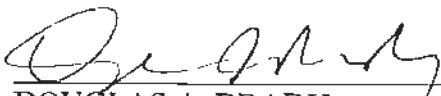
In light of the foregoing, it is hereby

ORDERED that Yusuf's Motion to Strike Hamed's Notice of Partnership Claims and Objections to Yusuf's Post-January 1, 2012 Accounting is DENIED, as moot. It is further

ORDERED that Yusuf's Motion to Strike Hamed's Notice of First Supplemental Claims is DENIED. It is further

ORDERED that Yusuf's Motion to Strike Hamed's Revised Notice of Partnership Claims and Objections to Yusuf's Post-January 1, 2012 Accounting and Notice of Supplementation of Record is DENIED.

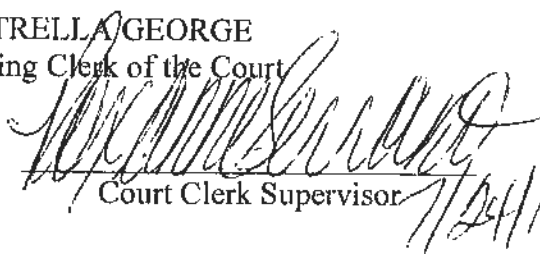
DATED: July 21, 2017.


DOUGLAS A. BRADY
Judge of the Superior Court


ATTEST:

ESTRELLA GEORGE
Acting Clerk of the Court

By:


Court Clerk Supervisor 7/24/17

CERTIFIED A TRUE COPY

DATE: July 24, 2017
ESTRELLA H. GEORGE
ACTING CLERK OF THE COURT
BY: 
COURT CLERK EG