

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

NOTICE OF FILING DOCUMENTS IN THE OTHER DIVISION

I. Caption of case including proper division:

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

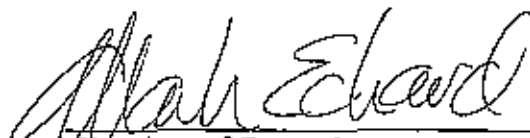
FATHI YUSUF and UNITED CORPORATION,)
) ST-17-CV-384
 Plaintiff,)
 v.)
 THE ESTATE OF MOHAMMAD A. HAMED,)
 THE MOHAMMAD A. HAMED LIVING TRUST,)
 and WALEED HAMED, AS EXECUTOR OF)
 THE ESTATE OF MOHAMMAD A. HAMED and)
 SUCCESSOR TRUSTEE OF THE)
 MOHAMMAD A. HAMED LIVING TRUST,)
)
 Defendants.)
)

II. Description of Document(s): No. of Pages: Document No.:
Defendant's Motion to Transfer Venue 5
(Clerk's Office only)

III. Certification of mailing or delivery to each of the following:

<u>Name of Attorney:</u>	<u>Type of Service</u>	<u>Date E-mailed</u>
1. Gregory H. Hodges, ESq.	E-Mail	11/17/17
2. Stefan B. Herpel, Esq.	E-mail	11/17/17
3. Charlotte K. Perrell, Esq.	E-mail	11/17/17

Dated: November 17, 2017



Signature of Counsel

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

FATHI YUSUF and
UNITED CORPORATION,

Plaintiffs,

v.

THE ESTATE OF MOHAMMAD A. HAMED,
THE MOHAMMAD A. HAMED LIVING TRUST,
And WALEED HAMED, AS EXECUTOR OF
THE ESTATE OF MOHAMMAD A. HAMED and
SUCCESSOR TRUSTEE OF THE
MOHAMMAD A. HAMED LIVING TRUST,

Defendants.

Case No. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

DEFENDANTS' MOTION TO TRANSFER VENUE

Each of the above-captioned defendants (collectively, "Defendants"), by and through undersigned counsel, respectfully request that the Court transfer the above-captioned civil action (this "Action") the Division of St. Croix pursuant to 4 V.I.C. § 78(b).

In support of this request, Defendants respectfully point out the following facts to the Court, all of which are verified in the *Declaration of Waleed M. Hamed*, attached as **Exhibit 1**:

1. Plaintiff Fathi Yusuf ("Fathi Yusuf") resides on the island of St. Croix.
2. The principal place of business for Plaintiff United Corporation ("United") is St. Croix, where it has its offices, corporate records and its only business operations, as noted in United's articles of incorporation.
3. Waleed Hamed is a resident of the island of St. Croix.
4. The Trust was formed on the island of St. Croix.
5. The Estate of Mohammad A. Hamed is being administered in the Division of St.

Croix pursuant to that certain probate proceeding styled as In the Matter of
Mohammad A. Hamed, Case No. SX-16-PF-76.

In addition to the foregoing, the corporations in which Mr. Hamed held stock, the transfer of which is at issue in this Action, all own real property on St. Croix.

The parties are already involved in two other lawsuits on St. Croix seeking to divide up two other jointly owned assets – involving the same assets at issue here. See Hamed v. Yusuf, et al., Case No. STX- 12-CV-370 (Brady, J.) (involving the dissolution of the Plaza Extra Partnership) and Yusuf v. Hamed, et al., Case No. STX-13-CV-120 (Willocks, J.).

Pursuant to 4 V.I.C. § 78(b), the Court has the discretion to transfer venue:

For the convenience of parties and witnesses and in the interest of justice, a judge of the Superior Court may, with the approval of the presiding judge of such court, transfer any action or proceeding pending in one judicial division to the other judicial division for hearing and determination.

The only persons or entity which this venue favors is Plaintiffs' law firm, Dudley, Topper & Feuerzig, LLP (the "Dudley Firm"), as it is the only person or entity in any way involved in this Action located on or with legal residence on the island of St. Thomas. The Dudley Firm will suffer no hardship by a transfer of venue to the Division of St. Croix because it is already litigating the two pending cases noted above and, as one of the largest law firms in the Territory, otherwise regularly litigates matters in the Division of St. Croix.

This Space Intentionally Left Blank

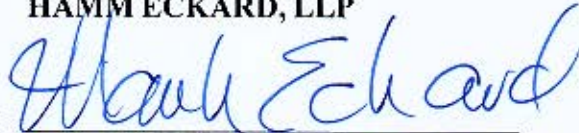
WHEREFORE, for the reasons set forth herein, Defendants respectfully request that the Court transfer venue of this Action to the Division St. Croix and grant to Defendants such other and further relief as is just and practicable.

Respectfully submitted,

HAMMECKARD, LLP

Dated: November 17, 2017

By:



Mark W. Eckard, Esquire
5030 Anchor Way, Ste. 13
Christiansted, VI 00820
Telephone: (340) 773-6955
Email: meckard@hammeckard.com

Counsel to Defendants

CERTIFICATE OF SERVICE

I certify that on November 17, 2017, I caused a copy of the foregoing document to be served via email to Gregory H. Hodges, Esquire; Stefan B. Herpel, Esquire; and Charlotte K. Perrell, Esquire, at ghodges@dtflaw.com, sherpel@dtflaw.com, and cperrell@dtflaw.com. I further certify that the foregoing document complies with the page or word limitation set forth in V.I.R.Civ.P. 6-1(e).



Exhibit 1

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

FATHI YUSUF and)
UNITED CORPORATION,)

Plaintiffs,)

v.)

THE ESTATE OF MOHAMMAD A. HAMED,)
THE MOHAMMAD A. HAMED LIVING TRUST,)
And WALEED HAMED, AS EXECUTOR OF)
THE ESTATE OF MOHAMMAD A. HAMED and)
SUCCESSOR TRUSTEE OF THE)
MOHAMMAD A. HAMED LIVING TRUST,)

Defendants.)

Case No. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

DECLARATION OF WALEED HAMED

I, Waleed Hamed, declare, pursuant to V.I. R. CIV. P. 84, as follows:

1. I am personally familiar with the facts set forth herein.
2. The Plaintiff Fathi Yusuf resides on St. Croix.
3. The principle place of business for the Plaintiff United Corporation is St. Croix, where it has its offices, corporate records and sole business operations, as noted in their respective articles of incorporation.
4. The Defendants who are individuals all residents of St. Croix.
5. The Trust was formed on St. Croix.
6. The Defendant Estate is being probated on St. Croix.

I declare under penalty of perjury that the foregoing is true and correct, executed on this 17th day of November, 2017.



Waleed Hamed