

(the "Master") at a scheduling conference on December 15, 2017, agree and stipulate to the following Plan for incorporation into a Case Management Order.

A. Discovery as to Hamed Claims H-41 through H-141

Defendants Fathi Yusuf ("Yusuf") and United Corporation ("United") will be filing a Motion to Strike Claims H-41 to H-141, which, if granted, will obviate the need for any discovery relating to any claim that is stricken. Plaintiff will be opposing that Motion.

In the event the Motion is denied in part or in full, the parties agree to the following discovery regarding any of the Claims H-41 to H-141, which survive that Motion:

1. Mr. Gaffney will be paid by Hamed at the rate of \$150.00 per hour for the time he works, set forth in a contemporaneous kept timesheet for answering the items in this "Section A". Mr. Gaffney will submit daily emails to counsel for Hamed informing them of the hours worked and what was done. Unless counsel for Hamed disapproves the work by the end of the following day, Mr. Gaffney will continue the work. If it is disapproved, the Master will be consulted for a decision before work resumes. These emails will then form the basis of weekly billings that shall be paid within one month of receipt of same.

2. For each of the Hamed Claims numbered H-41 through H-141¹, which survive the Motion, John Gaffney will provide a written response, in his fiduciary capacity as the Partnership Accountant, to the following two items:

- a. Interrogatory: Provide a written statement describing this transaction, with reference to when the actual activity or delivery occurred, who the

¹ Gaffney will be allowed to identify, collect and transport sales journals for Plaza Extra-Tutu Park and Plaza Extra-West from January 2013 through April 2015 as needed. Hamed will arrange or pay for the transport.

persons/entities are, what amounts were involved, and what it was for (with reference to why the funds are allegedly properly charged to the Partnership) and making reference to any checks, invoices or other relevant documents.

b. Production of Documents: Attach to the above Interrogatory response, the documents referenced in your response.

3. Mr. Gaffney's responses to interrogatories and document requests will be provided in the bi-weekly period in which they are completed and not in groups or all at once, by July 31, 2018. The parties may also subpoena third parties related to the transactions at issue.

4. Hamed shall have a total of fourteen hours to depose Mr. Gaffney with respect to any of the Claims H-41 – H-141 that survive the Motion. Yusuf and United will be allowed a similar amount of time at each examination for cross-examination, which will not be charged to Hamed's 14 hours, and Hamed re-direct, which will be charged to his 14 hours. The depositions shall be conducted on four separate, non-consecutive days of Hamed's selection based on Mr. Gaffney's reasonable availability, unless Mr. Gaffney agrees to a different schedule, and the Notice of Deposition shall specify the claims and responses to be covered in the deposition. The parties may agree to a tape or video-recorded deposition rather than a court reporter.

5. The written portion of this process will be completed by Mr. Gaffney by July 31, 2018.

6. No part of these funds paid to Mr. Gaffney by Hamed will be paid by him or shared by him with Yusuf or United or any third person or entity.

B. Remaining Claims of Both Parties

7. Written interrogatories, requests for production of documents, and requests for admissions shall be propounded no later than March 31, 2018, and all responses thereto, including objections, shall be served not later than May 31, 2018.

As to these remaining claims, no party shall propound more than 50 interrogatories, 50 requests for production of documents, and 50 requests for admissions, including all discrete subparts thereof, unless otherwise stipulated by the parties or ordered by the Master.

8. A motion regarding any claim may be filed at any time, without regard for the discovery schedule, and need not be held until the end of this process. Timing of responses and replies shall be governed by the V.I. Rules of Civil Procedure.

9. All fact witness depositions, including depositions of non-parties, taken for purposes of discovery and/or to preserve testimony for trial, shall be completed by August 31, 2018.

[It is noted that Hamed does not think it is necessary, or that it would be to the Court's advantage to continue the schedule past this point, and suggests that a status/scheduling conference be set after August 15th -- but leaves that determination to the Special Master.]

10. No party shall take more ten (10) fact and expert witness depositions, no single deposition shall exceed more than seven (7) hours in duration, and any single deposition shall be completed on the same day on which it is commenced, unless otherwise stipulated by the parties or ordered by the Master.

11. All motions to compel, for discovery, sanctions, or for protective orders with respect to fact discovery, shall be filed and served not later than September 17, 2018.

12. Plaintiff shall serve notices identifying all of his expert witnesses, and said expert witnesses' curriculum vitae and written reports, not later than September 28, 2018.

13. Defendants shall serve notices identifying all of their expert witnesses, and said expert witnesses' curriculum vitae and written reports, not later than October 31, 2018.

14. All expert witness depositions, for purposes of discovery and to preserve testimony for trial, shall be completed not later than November 30, 2018.

15. All motions to compel, for sanctions, or for protective orders with respect to expert discovery, shall be filed and served not later than December 17, 2018.

16. The parties shall jointly contact the Master to attempt an informal resolution of any discovery disputes prior to filing discovery motions.

17. All dispositive motions, except for motions challenging subject matter jurisdiction which may be filed at any time, and *Daubert/Kuhmo* motions shall be filed and served not later than January 15, 2019.

18. All motions in limine and V.I. Rule of Evidence 104 motions shall be filed and served not later than January 31, 2019.

19. This Joint Discovery and Scheduling Plan may not be amended, except as ordered by the Master for good cause shown.

Respectfully submitted,

LAW OFFICES OF JOEL H. HOLT

DATED: January 12, 2018

By:



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DATED: January 12, 2018

By:



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Attorneys for Defendants/Counterclaimants

The foregoing Joint Discovery and Scheduling Plan is **APPROVED** and is made the Case Management Order in this case.

Dated: January _____, 2018

Hon. Edgar D. Ross
Master

CERTIFICATE OF SERVICE

It is hereby certified that on this 12th day of January, 2018, I served a true and correct copy of the foregoing **Joint Discovery and Scheduling Plan**, which complies with the page and word limitations set forth in Rule 6-1 (e), via e-mail addressed to:

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