

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

WALEED HAMED, as Executor of the	)	
Estate of MOHAMMAD HAMED,	)	
	)	
Plaintiff/Counterclaim Defendant,	)	CIVIL NO. SX-12-CV-370
v.	)	
	)	
FATHI YUSUF and UNITED CORPORATION,	)	ACTION FOR INJUNCTIVE
	)	RELIEF, DECLARATORY
	)	JUDGMENT, AND
Defendants/Counterclaimants,	)	PARTNERSHIP DISSOLUTION,
v.	)	WIND UP, AND ACCOUNTING
	)	
WALEED HAMED, WAHEED HAMED,	)	
MUFEED HAMED, HISHAM HAMED, and	)	
PLESSEN ENTERPRISES, INC.,	)	
	)	
<u>Additional Counterclaim Defendants.</u>	)	Consolidated With
	)	
WALEED HAMED, as Executor of the	)	
Estate of MOHAMMAD HAMED,	)	
	)	
Plaintiff,	)	CIVIL NO. SX-14-CV-287
v.	)	
	)	
UNITED CORPORATION,	)	ACTION FOR DAMAGES AND
	)	DECLARATORY JUDGMENT
	)	
<u>Defendant.</u>	)	
	)	
WALEED HAMED, as Executor of the	)	
Estate of MOHAMMAD HAMED,	)	
	)	
Plaintiff,	)	CIVIL NO. SX-14-CV-278
v.	)	
	)	
FATHI YUSUF,	)	ACTION FOR DEBT AND
	)	CONVERSION
	)	
<u>Defendant.</u>	)	

**MOTION FOR LEAVE TO FILE SURRESPONSE TO HAMED’S REPLY RE: CLAIMS  
NO. H-11 AND H-12 – CONDENSERS AND SHOPPING CARTS**

Defendant/counterclaimant Fathi Yusuf (“Yusuf”), through his undersigned counsel, respectfully moves the Master to grant him leave to file this brief Surrespnse to “Hamed’s Reply

Re: Claims No. H-11 and H-12 – Condensers and Shopping Carts” filed on January 19, 2018 (the “Reply”) because, once again,<sup>1</sup> Hamed attempts to “sandbag” Yusuf with a new declaration in the Reply, which Yusuf obviously had no opportunity to address in his Opposition to the original motion.<sup>2</sup> The new declaration of Waleed Hamed dated January 19, 2018 (Exhibit 1 to the Reply) was ostensibly provided in order to establish that he did not consider the purchase of the subject equipment at the time the parties stipulated to the value of the equipment at Plaza Extra East. At ¶ 5 of his declaration, he states that “[h]ad we known these new items . . . were to be included in the Plaza Extra East equipment to be purchased by Fathi Yusuf from the Partnership, the Hameds would not have agreed to the \$150,000 figure that was then presented to the Court.” Yusuf respectfully submits that the entire declaration is simply irrelevant because Hamed does not dispute that neither he nor his counsel ever bothered to ask Yusuf what equipment was included in the \$150,000 valuation figure given to counsel for Hamed that was included in the stipulation. This concession should end the Master’s inquiry on the subject.

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<sup>1</sup> Hamed’s use of a new declaration in his “Reply As To Claim No. H-3: \$504,591.03 Of Partnership Funds Taken By Yusuf – Paid To His Lawyer” precipitated a Motion For Leave To File Surreponse to that reply on January 22, 2018.

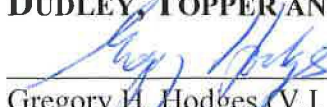
<sup>2</sup> The original motion was filed on January 8, 2018. Yusuf’s Opposition was filed on January 16, 2018.

Respectfully submitted,

**DUDLEY, TOPPER AND FEUERZEIG, LLP**

**DATED:** January 25, 2018

By:

  
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Attorneys for Fathi Yusuf and United Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of January, 2018, I caused the foregoing **Motion For Leave To File Surreponse To Hamed's Reply Re: Claims No. H-11 and H-12 – Condensers and Shopping Carts**, which complies with the page or word limitation set forth in Rule 6-1(e), to be served upon the following via the Case Anywhere docketing system:

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