

Yusuf, through his attorneys, Dudley, Topper and Feuerzeig, LLP, hereby provides his Responses to Hamed's Request to Admit Pursuant to the Claims Discovery Plan of 1/29/2018, Nos. 1-3 of 50 – As To: Claim H-13, Hamed's Payment of Taxes in Criminal Case, Claim H-18, Hamed's Payment of Freedmaxick Invoices, & Claim H-153 Payment of Property Insurance for United:

GENERAL OBJECTIONS

Yusuf makes the following general objections to the Requests to Admit. These general objections apply to all or many of the Requests to Admit, thus, for convenience, they are set forth herein and are not necessarily repeated after each objectionable Requests to Admit. The assertion of the same, similar, or additional objections in the individual responses to the Requests to Admit, or the failure to assert any additional objections to a discovery request does not waive any of Yusuf's objections as set forth below:

(1) Yusuf objects to these Requests to Admit to the extent they may impose obligations different from or in addition to those required under the Virgin Islands Rules of Civil Procedure.

(2) Yusuf objects to these Requests to Admit to the extent that they use the words "any" and "all" as being overly broad, unduly burdensome, immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

(3) Yusuf objects to these Requests to Admit to the extent they seek information which is protected by the attorney-client privilege or work-product doctrine, including information prepared in anticipation of litigation, or for trial, by or on behalf of Yusuf or relating

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to mental impressions, conclusions, opinions, or legal theories of his attorneys or representatives, or any other applicable privilege or doctrine under federal or state statutory, constitutional or common law. Yusuf's answers shall not include any information protected by such privileges or doctrine, and documents or information inadvertently produced which includes such privileged information shall not be deemed a waiver by Yusuf of such privilege or doctrine.

(4) Yusuf objects to these Requests to Admit to the extent that they seek information and documents concerning any matter that is irrelevant to the claims or defenses of any party to this action, and not reasonably calculated to lead to the discovery of admissible evidence.

(5) Yusuf objects to these Requests to Admit to the extent that they use terms or phrases that are vague, ambiguous, or undefined. Yusuf's response to such request will be based upon his understanding of the request.

(6) Yusuf objects to these Requests to Admit to the extent they seek documents or information not in the possession, custody or control of Yusuf, on the grounds that it would subject him to undue burden, oppression and expense, and impose obligations not required by the Virgin Islands Rules of Civil Procedure.

(7) Yusuf has not completed either his discovery or preparation for trial of this matter. Accordingly, Yusuf's response to these Requests to Admit is made without prejudice to Yusuf's right to make any use of, or proffer at any hearing or at trial, and are based only upon information presently available. If any additional, non-privileged, responsive documents are discovered, these Requests to Admit will be supplemented to the extent that supplementation may be required by the Virgin Islands Rules of Civil Procedure.

(8) Yusuf objects to these Requests to Admit to the extent that they are compound and not a single Request. Hence, these Requests to Admit should be counted as more than a single Request such that when all of the subparts are included together with other Requests to Admit they may exceed the 50 Requests to Admit agreed upon by the parties.

RESPONSES TO REQUESTS TO ADMIT

Request to Admit 1 of 50:

Request to admit number 1 of 50 relates to Claim H-13 (Previously identified as 210) – described in the claims list as “Hamed payment of taxes during criminal case.”

Admit or deny that Fathi, Fawzia, Maher, Negeh, Syaid, Zayed and Yusuf Yusuf's income taxes were paid with Partnership funds for the years 2002-2012, but the Hamed taxes were not paid with Partnership funds.

RESPONSE:

Yusuf admits that the partnership agreement required that the Yusuf family's personal income taxes as well as United's taxes be paid from the United operating account as members of the Yusuf family were the only individuals claiming for tax purposes any of the income derived from the grocery store operations and such income was recognized by United. None of the Hamed family claimed any of the distributions they received from the Yusuf-Hamed partnership on their income tax returns and thus, incurred no such tax liability for said income. The partnership agreement was for the splitting of net profits after the payment of taxes which would be incurred by United and the Yusuf family members.

Request to Admit 2 of 50:

Request to admit number 2 of 50 relates to Claim H-18 (previously identified as 275) – described in the claims list as “KAC357, Inc. payment of invoices from FreedMaxick.”

Admit or deny that the Partnership did not reimburse KAC357, Inc. for the invoices shown in Exhibit 275, of the Exhibits to JVZ Engagement Report, September 28, 2016, bates numbers JVZ-001240-JVZ-001241.

RESPONSE:

Yusuf objects to this Request for Admission as it is properly directed to John Gaffney. Yusuf shows that this Request along with other discovery recently submitted should be directed to John Gaffney and maintain that these items were not included in the original list of Gaffney Items H-41 through H-141 in what appears to be an attempt to circumvent the agreement for John Gaffney to respond to discovery and that payment for his time to be at the expense of the Hamed pursuant to the Joint Discovery and Scheduling Plan. Further responding, Yusuf has no knowledge as to this particular payment by KAC357, any request for reimbursement or the accounting of same and, therefore, can neither admit or deny this Request to Admit.

Request to Admit 3 of 50:

Request to admit number 3 of 50 relates to Claim H-153 (previously identified as 3009a) – described in the claims list as “Partnership funds used to pay United Shopping Center’s Property Insurance.”

Admit or deny that after 9/17/2006 the Partnership paid the United Shopping Center’s property Insurance – which included protection for properties other than the Plaza East Store.

RESPONSE:

Yusuf objects to this Request for Admission as it is properly directed to John Gaffney. Yusuf shows that this Request along with other discovery recently submitted should be directed to John Gaffney and maintains that these items were not included in the original list of Gaffney

Items H-41 through H-141 in what appears to be an attempt to circumvent the agreement for John Gaffney to respond to discovery and that payment for his time to be at the expense of the Hamed pursuant to the Joint Discovery and Scheduling Plan.

Further responding, according to the documentation submitted by Hamed, such inquiries were previously directed to John Gaffney who researched the question and provided them the following detailed response:

PE [Plaza Extra] funds paid insurance for the shopping center because that was the agreement between Fathi Yusuf and Mohammad Hamed. The payment of insurance by PE was a 25 year practice.

I found the commercial liability and property policies for 2012 that reflect, among other things, the value of the insured properties. Subsequent policies are likely to be substantially the same.

Invoice payments for policies paid by Plaza STT are unavailable since those records remain in St. Thomas. I searched the invoices paid by East in 2014 without success...2013 records are too far back in the warehouse to conduct a search for this blanket request.

In lieu of the extensive document request, provided herein are the schedules of Prepaid Insurance for years 2012 through 2015 with remarks regarding allocation of charges between the Plaza stores and the Shopping Center as I learned them.

The first schedule for 2012 was inherited from Margie Soeffing (prior United Corp dba Plaza Extra Controller). I could not understand her allocations sufficiently nor could she offer much help as she admitted a great deal of confusion about insurance. After several conversations with her and then Fathi Yusuf, I prepared a new schedule to close 2012 and to provide a base for moving forward to 2013.

Consequently, it is clear that Hamed has already received a substantial response from John Gaffney and that his investigation into the issue revealed that an allocation was in fact made. The allocation and schedule were provided to Hamed. Hence, Yusuf objects to this

Request as he is without knowledge to either admit or deny same and shows that it is properly directed to John Gaffney if any further clarification even is needed.

DUDLEY, TOPPER AND FEUERZEIG, LLP

DATED: March 1, 2018

By:



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CERTIFICATE OF SERVICE

It is hereby certified that on this 1st day of March, 2018, I caused the foregoing a true and exact copy of the foregoing **FATHI YUSUF'S RESPONSE TO HAMED'S REQUEST TO ADMIT PURSUANT TO THE CLAIMS DISCOVERY** to be served upon the following via Case Anywhere docketing system:

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