

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

WALEED HAMED, as the Executor of the
Estate of MOHAMMAD HAMED,

Plaintiff/Counterclaim Defendant,

vs.

FATHI YUSUF and **UNITED CORPORATION**

Defendants and Counterclaimants.

vs.

**WALEED HAMED, WAHEED HAMED,
MUFEED HAMED, HISHAM HAMED, and
PLESSEN ENTERPRISES, INC.,**

Counterclaim Defendants,

Case No.: SX-2012-CV-370

**ACTION FOR DAMAGES,
INJUNCTIVE RELIEF AND
DECLARATORY RELIEF**

JURY TRIAL DEMANDED

Consolidated with

Case No.: SX-2014-CV-287

**ACTION FOR DECLARATORY
JUDGMENT**

JURY TRIAL DEMANDED

Consolidated with

Case No.: SX-2014-CV-278

**ACTION FOR DEBT AND
CONVERSION**

JURY TRIAL DEMANDED

WALEED HAMED, as the Executor of the
Estate of MOHAMMAD HAMED,

Plaintiff,

vs.

UNITED CORPORATION,

Defendant.

WALEED HAMED, as the Executor of the
Estate of MOHAMMAD HAMED,

Plaintiff,

vs.

FATHI YUSUF,

Defendant.

PLEASE TAKE NOTICE that because Defendants' discovery responses served on Hamed on March 1, 2018, were improper, violative of the applicable Rules and dilatory, pursuant to *Rules V.I. R. Civ. P. 30(a), 30(b)(6)* and 45, the Plaintiff reschedules and will take the videotaped deposition of the following persons and entities:

1. The previously scheduled deposition of **The Hamed/Yusuf (Plaza Extra Supermarket) Partnership**, set for March 2018, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709, is now set for 10:00 AM on Monday, August 27, 2018, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709. See **Schedule A** for topics.

2. The previously scheduled deposition of **United Corporation**, set for March, 2018, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709, is now set for 10:00 AM on Tuesday, August 28, 2018, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709. See **Schedule B** for topics.

3. The previously scheduled deposition of **Fathi Yusuf** set for March 2018, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709, is now set for 10:00 AM on Wednesday, August 29, 2018, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709.

4. The previously scheduled deposition of **Nejeh Yusuf** set March 2018, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709, is now set for 10:00 AM on Thursday, August 30, 2018, at the Law Office of Joel H. Holt, 2132 Company Street, Christiansted, USVI. (340) 773-8709.

Plaintiffs will re-set the dates upon written request reasonably and timely given.

The entity deponents (nos. 1 & 2) will produce as many representatives with knowledge as necessary to give the most informed response to each topic -- **representatives who have apprised themselves of the full knowledge of the entity regarding the topic.** As to each topic, each such representative will be asked the *voir dire* question: "Have you been informed by the entity prior to this testimony regarding Claim ___, that you were to **have been apprised of, and be ready to testify as to the full knowledge of the entity regarding this topic?**"

Pursuant to V.I. R. Civ. P. 30(b)(2) and 30(b)(6), as well as V.I. R. Civ. P. 34, the deponents shall bring the following documents in their possession or under her control to the depositions:

1. As to the Partnership and United, all documents necessary to allow full and complete testimony on the topics provided in the attached schedules.
2. As to the individuals, all documents necessary to testify as to the following, although the deposition will be in no way limited to these topics -- they are merely presented to allow each witness to prepare more fully:

A. Fathi Yusuf

New Claim Number¹	Item No. in Original 8/30/16 Claim	Description
H-001	201	Reimbursement for sale of the Dorthea condo
H-032	335	No credit for expired (spoiled) inventory discovered at Plaza Extra West
H-033	338	Merrill Lynch accounts that still existed in 2012 (ML 140-21722, ML 140-07884, and ML 140-07951) financed with Partnership funds
H-034	340	Rents collected from Triumphant church

¹ Each "New Claim" is more fully described in Hamed's CPA Expert Report -- by claim number, and specific documents known to Hamed (if any) and general area of inquiry.

H-040	360	Approximately \$18 million in "purged" (i.e. missing) transactions in 2013
H-151	3004a	Checks written to Fathi Yusuf for personal use
H-156	372/379	Unclear General Ledger entries regarding miscellaneous adjustments to employee loans
H-157	402/418	Unclear general ledger entry regarding "Fathi Yusuf refund of overpayment"
H-158	403/413	Unclear general ledger entries for By Order
H-159	442/407	Unclear general ledger entries indicating Accounts Payable Trade payments to United Corporation in 2015
H-163	Exhibit A - M	Loss of assets due to wrongful dissolution - attorney's fees
Y-011	BDO Table	Lifestyle Analysis
Y-012	Y's Claims - VI, Exhibits K-O	Foreign Accts and Jordanian Properties
Y-014	Y's Claims - VIII	Half of the value of the six containers

B. NejeH Yusuf

H-014	221	Unsubstantiated checks to NejeH Yusuf
H-015	242	NejeH Yusuf's cash withdrawals from safe
H-016	253	NejeH Yusuf's use of Partnership resources for his Private Businesses on STT
H-021	281	Payment of NejeH Yusuf credit card bill
H-022	290	NejeH Yusuf removed property belonging to KAC357

Dated: March 1, 2018



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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of March, 2018, I served a copy of the foregoing by email (via CaseAnywhere), as agreed by the parties, on:

Hon. Edgar Ross
Special Master
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Handwritten signature of Carl J. Hamed, underlined.

CERTIFICATE OF COMPLIANCE WITH RULE 6-1(e)

This document complies with the page or word limitation set forth in Rule 6-1(e).



Handwritten signature of Carl J. Hamed, underlined.

SCHEDULE A - Topics for Partnership Witness

New Claim Number²	Item No. in Original 8/30/16 Claim Filing	Description
H-007	248	KAC357, Inc. payment of invoices from J. David Jackson PC
H-008	256	David Jackson, CPA, bill owed for tax work done related to the Partnership's 2013 taxes
H-013	210	Hamed payment of taxes during criminal case
H-017	265	Wally Hamed's personal payment of accounting and attorneys' fees in United States of America v United Corp., et. al., VI D.Ct. 2005-cr-015
H-018	275	KAC357, Inc. payment of invoices from FreedMaxick
H-019	278	KAC357, Inc. payment of Partnership WAPA invoices
H-020	279	KAC357, Inc. payment of Partnership Tropical Shipping invoices
H-023	299	2015 Workers' Compensation payments for Plaza East
H-024	310	2015 Health permit payments for Plaza East
H-025	314	2015 Business license payment for Plaza East
H-026	316	Inventory moved from Plaza West to East after official inventory
H-027	319	BJ's Wholesale Club vendor credit
H-030	333	KAC357, Inc. payment of Partnership AT&T invoices
H-031	334	Point of Sale transactions (purchases on account)
H-035	343	KAC357, Inc.'s American Express payments deposited to Partnership account
H-036	345	Unclear UVI payment
H-037	353	Due to/from Fathi Yusuf
H-039	358	STT Tutu gift certificates
H-145	3003	WAPA deposits paid with Partnership funds
H-146	3007	Imbalance in credit card points
H-147	3010	Vendor rebates
H-148	3011	Excessive travel and entertainment expenses
H-149	246, 255, 260, 318	Seaside Market & Deli LLC
H-154	346a	Attorney and accounting's fees paid by the Partnership for the criminal case
H-155	359/362	Employee Loans
H-161	Exhibit A - I	Attorney and accounting's fees paid by the Partnership for the criminal case - Pro-rated from September 17, 2006 forward

² Each "New Claim" is more fully described in Hamed's CPA Expert Report -- by claim number, and specific documents known to Hamed (if any) and general area of inquiry.

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|--------------|---------|---|
| H-164 | Sched A | Inventory adjusted downward by \$1,660,000 due to unrecorded inventory transfers to other stores, as per first supplemental Hamed claims dated October 6, 2016 |
| H-165 | Sched A | In Yusuf's Accounting and Proposed Distribution Plan filing on September 30, 2016, Yusuf stated that "[t]here are Debts totaling \$176,267.97, which must be paid prior to any distribution of the remaining Partnership Assets to the Partners." (Footnote omitted) This is an unclear accounting entry. |

SCHEDULE B - Topics for United Witness

New Claim Number³	Item No. in Original 8/30/16 Claim Filing	Description
H-028	329	2015 Real Estate Tax for Plaza Extra-STT
H-029	331	2015 Insurance for St. Thomas Plaza Extra car
H-142	490	Half acre in Estate Tutu
H-143	491	Plaza Extra East land
H-144	492	\$900,000 Estimated tax payment for United Corporation shareholders
H-150	3002a	United Shopping Center's gross receipt taxes
H-152	3008a	United's corporate franchise taxes and annual franchise fees
H-153	3009a	Partnership funds used to pay United Shopping Center's property insurance
H-160	Exhibit A - H	United Shopping Center's gross receipt taxes
H-162	Exhibit A - L	Claims based on monitoring reports/accounting 2007-2012
Y-008	Y's Claims - III.F	Water Revenue Owed United

³ Each "New Claim" is more fully described in Hamed's CPA Expert Report -- by claim number, and specific documents known to Hamed (if any) and general area of inquiry.