

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,)

v.)

FATHI YUSUF and UNITED CORPORATION,)

Defendants/Counterclaimants,)

v.)

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

Additional Counterclaim Defendants.)

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

Plaintiff,)

v.)

UNITED CORPORATION,)

Defendant.)

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

Plaintiff,)

v.)

FATHI YUSUF,)

Defendant.)

FATHI YUSUF and)
UNITED CORPORATION,)

Plaintiffs,)

v.)

THE ESTATE OF MOHAMMAD HAMED,)
Waleed Hamed as Executor of the Estate of)
Mohammad Hamed, and)
THE MOHAMMAD A. HAMED LIVING TRUST,)

Defendants.)

CIVIL NO. SX-12-CV-370

ACTION FOR INJUNCTIVE
RELIEF, DECLARATORY
JUDGMENT, AND
PARTNERSHIP DISSOLUTION,
WIND UP, AND ACCOUNTING

Consolidated With

CIVIL NO. SX-14-CV-287

ACTION FOR DAMAGES AND
DECLARATORY JUDGMENT

CIVIL NO. SX-14-CV-278

ACTION FOR DEBT AND
CONVERSION

CIVIL NO. ST-17-CV-384

ACTION TO SET ASIDE
FRAUDULENT TRANSFERS

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AND FEUERZEIG, LLP

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YUSUF'S REPLY TO HAMED'S RESPONSE TO MOTION TO CLARIFY OR RECONSIDER ORDER DEEMING REQUEST TO ADMIT NO. 1 ADMITTED

Defendant/counterclaimant Fathi Yusuf ("Yusuf"), through his undersigned counsel, respectfully submits this Reply to Hamed's Response to Motion to Clarify or Reconsider Order Deeming Request to Admit No. 1 Admitted.

I. The Motion is Unopposed as Hamed Concedes to the Relief Sought.

While there is a great deal of unfounded invective in Hamed's Response, what is critical for purposes of resolving the Motion is that Hamed has conceded that the relief requested should be granted. On several occasions, Hamed concedes that the deemed admission should be rewritten precisely as Yusuf requested. *See, e.g.*, Hamed Response at p. 2 (where he "agrees to the requested relief"); p. 2, fn. 1 (stating that "Hamed is more than pleased to have the Court enter the Proposed Amended Order as written"); and p. 3 (expressing "his wholehearted agreement to the proposed amended order..."). As a result, Yusuf's Motion is unopposed and Yusuf respectfully requests the Master to enter the proposed Order as submitted.

Hamed complains that his Request to Admit No. 1 has been met with delay and obfuscation over what he characterizes as a "simple," "clear" and "basic" request for admission. *See* Response at p. 7. The briefing on this request shows otherwise.¹ It is well accepted that "the party requesting an admission bears the burden of artfully drafting the statement of fact contained in the request for admission in a manner which is precise, unambiguous, and not misleading to the answering party." 27 C.J.S. Discovery § 170. Had the request been clear at the outset, the initial response and subsequent clarification would not have been necessary.

¹ Yusuf will not further address the superfluous arguments contained in Hamed's Response other than to state that the issue of taxes is contested and that Request to Admit No. 1 required the explanations and clarifications advanced by Yusuf.

Hamed v. Yusuf, SX-12-CV-370

Yusuf's Reply to Opposition to Motion to Clarify or Reconsider Order Deeming Request to Admit No. 1 Admitted

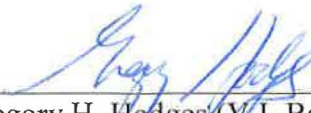
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Respectfully submitted,

DUDLEY, TOPPER and FEUERZEIG, LLP

DATED: April 24, 2018

By:



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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2018, I caused the foregoing **Yusuf's Reply to Hamed's Response to Motion to Clarify or Reconsider Order Deeming Request to Admit No. 1 Admitted** which complies with the page and word limitations of Rule 6-1(e), to be served upon the following via the Case Anywhere docketing system:

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