

**CARL J. HARTMANN III**  
ATTORNEY-AT-LAW  
5000 ESTATE COAKLEY BAY, L-6  
CHRISTIANSTED, VI 00820

TELEPHONE  
(340) 719-8941

EMAIL  
CARL@CARLHARTMANN.COM

ADMITTED: USVI, NM & DC

May 17, 2018

Charlotte Perrell, Esq.  
DTF  
Law House  
St. Thomas, VI 00820

By Email Only

RE: Request for Rule 37 Conference re (General) Failure to Answer RFA's

Dear Attorney Perrell

I write regarding several of the Yusuf/United 'claims discovery RFA responses' served on May 15, 2018. It is Hamed's intention to file a motion to the Special Master to **deem admitted** unacceptable non-answers. Pursuant to Rule 37.1, I request a conference to discuss the bases of the proposed motion, and seek amendment to the Yusuf response. I would appreciate a date and time convenient for you within a week. The following will serve as an exemplar of the issue.

Request to Admit 15 of 50:

Request to admit number 15 of 50 relates to Claim H-27 (old Claim No. 319) as described in Hamed's November 16, 2017 Motion for a Hearing Before Special Master as "BJ's wholesale Club vendor credit."

Admit or Deny that the BJ Wholesale Club vendor credit of \$5,632.57 applied to Mike Yusuf's personal credit card was not returned to the Partnership.

Response:

Yusuf objects to this Request on the grounds set forth in his Motion to Strike Hamed's Amended Claim Nos. H-41 through H-141 and Additional "Maybe" Claims ("Motion to Strike") seeking to strike Hamed Claim {H-}27. As grounds for objecting to this Request, Yusuf incorporates by reference

his Motion to Strike as if fully set forth herein verbatim and submits that because there is a pending Motion to Strike, the requirement for a response should be stayed pending the resolution.

As discussed in prior filings regarding Admissions, they must be answered "admitted" or "denied" or "cannot answer because.....after reasonable inquiry" and anything that is not one of those three responses requires a valid objection. Failure to answer within the time period is an automatic admission.

Among the *very clear not-valid-objections* (absent a MPO) are: "there is a motion to strike pending," or "the requirement for a response should be stayed pending the resolution [of some other motion]" or "I'm incorporating some other (bs) response here." These are, instead, textbook *bases for a court to deem an RFA admitted*.

The worst of these is "the requirement for a response should be stayed pending the resolution" which translates to "we should not have to answer this because we are going to, at some later point, file a MPO or for a stay or something like that....." What does "should be stayed" even mean in this context -- is it a counter-motion? A plea for understanding? What?

I will address individual response problems separately. I will await your response with dates/times. Perhaps we can have a single conference on all three of Hamed's pending requests at one time.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl J. Hartmann", with a long horizontal flourish extending to the right.

Carl J. Hartmann