

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

**MOHAMMAD HAMED, BY HIS
AUTHORIZED AGENT WALEED HAMED,**

PLAINTIFF/COUNTERCLAIM DEFENDANT,

v.

**FATHI YUSUF AND UNITED
CORPORATION,**

DEFENDANTS/COUNTERCLAIMANTS,

v.

**WALEED HAMED, WAHEED HAMED,
MUFEEED HAMED, HISHAM HAMED,
AND PLESSEN ENTERPRISES, INC.,**

COUNTERCLAIM DEFENDANTS.

**WALEED HAMED, AS EXECUTOR OF THE
ESTATE OF MOHAMMAD HAMED,**

PLAINTIFF,

v.

UNITED CORPORATION,

DEFENDANT.

MOHAMMAD HAMED,

PLAINTIFF,

v.

FATHI YUSUF,

DEFENDANT.

Civil No. SX-12-CV-370

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

CONSOLIDATED WITH

Civil No. SX-14-CV-287

**ACTION FOR DAMAGES and
DECLARATORY JUDGMENT**

CONSOLIDATED WITH

Civil No. SX-14-CV-378

**ACTION FOR DEBT and
CONVERSION**

ORDER

THIS MATTER came before the Special Master (hereinafter “Master”) on Hamed’s motion seeking guidance as to deposition subpoenas to be issued from the Superior Court to prior defense counsel—and for enlargement of time to take testimony if they are delayed. As of the date of this order, no opposition has been filed.

In his motion, Hamed pointed out that “no permission is necessary” to take the depositions of Attorney Joseph Diruzzo, III and Attorney Christopher David of Fuerst Ittleman David & Joseph law firm since they had previously appeared in this instant case—namely, *inter alia*, they were present at the TRO hearing for which the Partnership was charged. (Motion, p. 2) Nevertheless, “to save many motions and much time, Hamed [sought] pre-issuance instructions or limitations as to the place, time and manner of inquiry: (1) so the parties, opposing counsel and prior Yusuf counsel have notice and can be heard before issuance; and (2) because of the short time allowed in the Special Master’s [May 8, 2018] Order, it is anticipated that if the deponents or opposing counsel are not available, or if they file protective motions, Hamed will require an enlargement of time.” (Id.) (Emphasis omitted)

At this juncture, the Master believes it is best to have Hamed move forward with discovery as to Attorney Joseph Diruzzo, III and Attorney Christopher David of Fuerst Ittleman David & Joseph law firm as Hamed has planned, and see their responses thereto before the Master’s involvement. Rather than the having the Master anticipate and speculate to all the possible issues that may come up, the Master will deal with them as they arise. If the Master finds an enlargement of time necessary, then the Master will grant it accordingly, but not preemptively at this time.

Accordingly, it is hereby:

ORDERED that Hamed's motion seeking guidance as to deposition subpoenas to be issued from the Superior Court to prior defense counsel— and for enlargement of time to take testimony if they are delayed is **DENIED WITHOUT PREJUDICE**.

DONE and so ORDERED this 18th day of May, 2018.


EDGAR D. ROSS
Special Master