

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

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

vs.

**UNITED CORPORATION**, *Defendant.*

**Case No.: SX-2014-CV-287**

Consolidated with

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

vs.

**FATHI YUSUF**, *Defendant.*

**Case No.: SX-2014-CV-278**

Consolidated with

**FATHI YUSUF**, *Plaintiff,*

vs.

**MOHAMMAD A. HAMED TRUST**, *et al,*  
*Defendants.*

**Case No.: ST-17-CV-384**

**HAMED'S REPLY AS TO YUSUF CLAIM Y-6:  
HAMED'S PROCEDURAL MOTION RE THE 'BLACK BOOK'**

Hamed originally made a generalized motion as to the Statute of Limitations ("SOL") regarding several different claims. On February 8, 2018, the Special Master denied that general motion without prejudice because discovery had not yet proceeded. Discovery has been open since February 29, 2018.

All written discovery ended on May 15, 2018.<sup>1</sup> Six days after written discovery ended, based on *Yusuf's concessionary discovery responses*,<sup>2</sup> Hamed renewed his procedural motion just as to Claim Y-6 -- asserting that Yusuf had now conceded a sufficient factual basis as to SOL with regard to just Y-6.

No genuine issue of material fact exists after Yusuf's discovery responses. Moreover, Yusuf's opposition does not state what additional facts are *necessary for a determination*. To the contrary, Yusuf admits that all entries in the Black Book were made outside of the SOL period. In discovery, Yusuf has now admitted that the SOL period ran before the FBI seized any documents. There are no material facts in dispute, as *Hamed does not dispute that there was a fire at the beginning of the SOL period* -- only, that **as a matter of law**, a fire at the beginning of the SOL period is irrelevant. As set forth in the motion there is no defense to SOL based on events at the beginning of an SOL period if everyone had notice of the claim itself, and thereafter the statutory 6-year period passed.

This claim is a stone-cold loser, filed FAR out of time, and the continuing opposition is just a clear stall to avoid determination. The matter is now fully ripe for determination.

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<sup>1</sup> Moreover, the joint, stipulated *Discovery Plan* of January 29, 2018, expressly states:

8. A motion regarding any claim may be filed at any time, without regard for the discovery schedule, and need not be held until the end of this process. Timing of responses and replies shall be governed by the V.I. R. Civ. Pro.

<sup>2</sup> As detailed in Hamed's motion, in his discovery responses, Yusuf conceded that his original factual defense to tolling the SOL, the FBI's seizure of documents, took place AFTER the original SOL had run. He tried to insert a new defense in his responses, a fire at the beginning of the SOL period, but that fails as well and it is undisputed that Yusuf HAD to have notice of the claims as he wrote them in the Black Book in 1995 and before.

**Dated:** June 28, 2018



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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of June, 2018, I served a copy of the foregoing by email (via CaseAnywhere), as agreed by the parties, on:

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