

**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 Deft., )  
 )  
vs. ) Case No. SX-2012-CV-370  
 )  
FATHI YUSUF and UNITED )  
CORPORATION, )  
 )  
Defendants/Counterclaimants, )  
 )  
vs. )  
 )  
WALEED HAMED, WAHEED HAMED, )  
MUFEED HAMED, HISHAM HAMED, and )  
PLESSEN ENTERPRISES, INC., )  
 )  
Counterclaim Defendants. )  
WALEED HAMED, as Executor of the )  
Estate of MOHAMMAD HAMED, )  
 )  
Plaintiff, )  
 )  
vs. ) Consolidated with  
 ) Case No. SX-2014-CV-287  
 )  
UNITED CORPORATION, )  
 )  
Defendant. )  
WALEED HAMED, as Executor of the )  
Estate of MOHAMMAD HAMED, )  
 )  
Plaintiff, )  
 )  
vs. ) Consolidated with  
 ) Case No. SX-2014-CV-278  
 )  
FATHI YUSUF, )  
 )  
Defendant. )

**VIDEOTAPED ORAL DEPOSITION OF  
HISHAM "SHAWN" HAMED**

**THE VIDEOTAPED ORAL DEPOSITION OF HISHAM "SHAWN" HAMED**

was taken on the 22nd day of January, 2019, at the Offices of Joel H. Holt, 2132 Company Street, Downstairs Conference Room, Christiansted, St. Croix, U.S. Virgin Islands, between the hours of 3:16 p.m. and 3:44 p.m., pursuant to Notice and Federal Rules of Civil Procedure.

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Reported by:

Susan C. Nissman RPR-RMR  
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**APPEARANCES****A-P-P-E-A-R-A-N-C-E-S****For the Plaintiff:**

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By: Carl Hartmann, III  
Kimberly Japinga

**For the Defendants:**

Law Offices of  
Dudley, Topper & Feuerzeig  
P.O. Box 756  
Charlotte Amalie, St. Thomas  
U.S. Virgin Islands 00804

By: Charlotte Perrell

**Also Present:** Maher and Najeh Yusuf  
Mafeed Hamed  
Michael Gelardi, Videographer

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(None Marked.)

**HISHAM "SHAWN" HAMED -- DIRECT**

1                   **THE VIDEOGRAPHER:** In the matter of Waleed  
2 Hamed versus Fathi Yusuf and United Corporation, in the  
3 Superior Court of the Virgin Islands, Division of St. Croix,  
4 Civil Action Number SX-2012-CV-370.

5                   My name is Michael Gelardi. I am the  
6 videographer for today's proceedings. Our court reporter is  
7 Susan Nissman. Today's date is January 22nd, 2019. The  
8 deponent is Hisham Hamed. The time is 3:16.

9                   For the purpose of voice identification, I am  
10 requesting the attorneys present identify themselves at this  
11 time.

12                   **MS. PERRELL:** Charlotte Perrell, on behalf of  
13 United and Fathi Yusuf.

14                   **MR. HARTMANN:** Carl Hartmann, for the Hameds.

15                   **THE VIDEOGRAPHER:** Please swear in the  
16 witness.

17                   **HISHAM "SHAWN" HAMED,**  
18                   called as a witness, having been first duly sworn,  
19                   testified on his oath as follows:

20                   **DIRECT EXAMINATION**

21 **BY MS. PERRELL:**

22                   **Q.** Good afternoon.

23                   **A.** Good afternoon.

24                   **Q.** I don't think we've had an opportunity to meet  
25 before, but if we have, it's been -- it's been brief.

**HISHAM "SHAWN" HAMED -- DIRECT**

1 My name is Charlotte Perrell. I'm  
2 representing the Yusufs and United in this case. I've got a  
3 couple questions for you.

4 Haven't been paying attention. I'm assuming,  
5 have you been present for most of the depositions in the  
6 last day or two?

7 **A.** Yes.

8 **Q.** Okay. So you've heard a lot of what the topics  
9 are that we're going to be addressing, --

10 **A.** Yes.

11 **Q.** -- correct? Okay. All right.

12 Where did you work -- there's a time period  
13 before the families split the stores and then after. So  
14 before the split, where did you work?

15 **A.** In Plaza Extra West.

16 **Q.** Okay. And when did you start working there?

17 **A.** 2000.

18 **Q.** 2000.

19 How old are you?

20 **A.** Forty-three.

21 **Q.** Okay. Have you always worked -- before the split,  
22 have you always worked at Plaza Extra West?

23 **A.** I've worked at Plaza Extra Tutu as well.

24 **Q.** Okay. What was the period of time that you worked  
25 at Plaza Extra Tutu?

**HISHAM "SHAWN" HAMED -- DIRECT**

1           **A.**    From '98 till 2000.

2           **Q.**    Okay. All right. And did you work anywhere else  
3 before 1998?

4           **A.**    I don't remember.

5           **Q.**    Okay.

6           **A.**    Yeah. Not for the families.

7           **Q.**    Okay. So in 1998 through -- I'm sorry, 2000, you  
8 were in Tutu Park --

9           **A.**    Right.

10          **Q.**    -- store, and then you moved to West, correct?

11          **A.**    Yes.

12          **Q.**    Okay. So while at West, what was your  
13 responsibilities?

14          **A.**    I used to manage the front end.

15          **Q.**    Um-hum.

16          **A.**    I also did some of the bakery.

17          **Q.**    Um-hum.

18          **A.**    I -- the service desk, I managed that, and the  
19 computer room.

20          **Q.**    Did you do any purchasing at all for Plaza Extra  
21 West?

22          **A.**    I did some.

23          **Q.**    Okay. Did you do any -- any other tasks  
24 associated with the store?

25          **A.**    I did some receiving, unloading.

**HISHAM "SHAWN" HAMED -- DIRECT**

1           **Q.**    Um-hum.  Okay.  Would you say that you were  
2 co-managing the store with Mike Yusuf?

3           **A.**    Yes.

4           **Q.**    Okay.  So to the extent that there were any issues  
5 or problems with Plaza Extra West, you would have been aware  
6 of them as a co-manager, correct?

7           **A.**    If I was allowed to, that information, yes.

8           **Q.**    Okay.

9           **A.**    And I would say post -- prior to the split when,  
10 you know, everybody was getting along, that was the case.  
11 And then obviously when we started having our problems, I  
12 was kind of shut out of a lot of operational information.

13          **Q.**    Okay.  What operational information, in  
14 particular?

15          **A.**    Different things that I know that Mike would  
16 instruct the employees not to consider what I say or give me  
17 information.

18          **Q.**    Okay.  All right.  Any of that, would you have had  
19 the ability to determine whether or not the -- there was  
20 inventory that had been spoiled prior to the -- March of  
21 2015?

22          **A.**    What's the question?

23          **Q.**    Would you have had the opportunity, given your  
24 work and your role at Plaza Extra West, to determine whether  
25 there had been any spoiled food as of March of 2015?



## HISHAM "SHAWN" HAMED -- DIRECT

1           **A.**    Yes.

2           **Q.**    Okay.  All right.  Let me --

3                   **THE VIDEOGRAPHER:**  Going off the record.  The  
4 time is 3:20.

5                                    (SHORT RECESS TAKEN.)

6                   **THE VIDEOGRAPHER:**  Going on the record.  The  
7 time is 3:20.

8           **Q.**    **(Ms. Perrell)**  Okay.  Back on the record.

9                    There's a claim relating to some property or  
10 condos in St. Thomas that we've all been referring to as the  
11 Dorthea condos.

12                   Do you have any information about that  
13 transaction?

14           **A.**    Can you elaborate on the question?

15           **Q.**    Well, I'm asking, do you -- what do you know about  
16 the transaction, the sale of those condos from the  
17 Hamed/Yusuf side over to Salem?

18           **A.**    Fathi Yusuf was the one that was dealing with the  
19 transaction.

20           **Q.**    Okay.  So is it fair to say that all of your  
21 information came directly from Mr. Yusuf?

22           **A.**    Concerning?

23           **Q.**    This transaction?

24           **A.**    I would say that, and possibly from Willie Hamed.

25           **Q.**    Okay.  Were you present for any conversations or

**HISHAM "SHAWN" HAMED -- DIRECT**

1 communications between Mr. Yusuf and Mr. Salem relating to  
2 this Dorthea transaction?

3 **A.** No.

4 **Q.** Okay. Do you recall ever seeing Exhibit H-1-8?

5 **A.** Yes.

6 **Q.** Okay. When did you first see this?

7 **A.** I believe I saw it when Fathi Yusuf came to Plaza  
8 Extra West and asked me to sign a document.

9 **Q.** Okay. Let me ask you this: Let me show you  
10 what's been marked Exhibit H-1-7.

11 Is this -- what is this?

12 **A.** This is a document that says, "Notice of Payment  
13 of Purchaseprice and Authorization to Release Stock  
14 Certificates."

15 **Q.** Have you seen this document before?

16 **A.** I probably rewrote it for Fathi Yusuf.

17 **Q.** Okay. You probably did or -- or do you remember  
18 doing that?

19 **A.** I remember rewriting it. Retyping it for him.

20 **Q.** Okay. So when is it that Fathi Yusuf came and  
21 asked you to either prepare or rewrite this for him?

22 **A.** I did not prepare it. It was already drafted. It  
23 was wrinkled, and it had, you know, it wasn't a clean copy,  
24 so he asked me to retype it word for word exactly how I had  
25 seen the document that he brought.

**HISHAM "SHAWN" HAMED -- DIRECT**

1 Q. Okay. And when -- when did that happen?

2 A. That was early 20 -- 2012.

3 Q. Okay. How do you know that?

4 A. 'Cause I remember that.

5 Q. Okay. Why is it that you remember that that was  
6 in early 2012? Was there some reason that you recollect the  
7 date?

8 A. Well, we were going through, you know, the  
9 problems between the families. And then Fathi Yusuf came to  
10 Plaza Extra West and was uncharacteristically --  
11 uncharacteristically nice. And, you know, I thought that  
12 was kind of strange, so that's kind of what stood out.

13 Q. Okay. And you say he came to Plaza Extra West to  
14 give you this document?

15 A. Yes.

16 Q. Okay. And so you retyped it for him on the spot?

17 A. I believe I did.

18 Q. Okay. He waited for you, I guess, or --

19 A. I guess. I don't know if he left and he came back  
20 or whatever the case may be. I told him I needed to discuss  
21 this with my brother and my father.

22 Q. Okay.

23 A. And --

24 Q. So what did you do next? You retyped it or you  
25 were getting ready to retype it? What next action did you

## HISHAM "SHAWN" HAMED -- DIRECT

1 take before you signed it?

2 **A.** Oh, I spoke to my brother.

3 **Q.** Who?

4 **A.** Probably Waleed.

5 **Q.** Okay. Do you know who you spoke to for sure?

6 **A.** Possibly Waleed.

7 **Q.** Okay.

8 **A.** Before I signed this?

9 **Q.** Yes.

10 **A.** Yeah.

11 **Q.** Okay. And what did you ask him?

12 **A.** Is this good to go?

13 **Q.** Okay. And did you send it to him to review?

14 **A.** I'm -- I'm pretty sure I did. I'm not sure for  
15 certain exactly how I -- if I gave him a copy or -- or  
16 whatnot, but --

17 **Q.** Okay.

18 **A.** Yeah.

19 **Q.** Did you go over to the store at Plaza Extra East  
20 and show it to him, or did you just call him on the phone,  
21 or what happened?

22 **A.** I would say a combination of both. I probably  
23 made the call and then I probably showed it to him.

24 **Q.** Okay. I understand what you're saying. You keep  
25 saying probably. And what I'm trying to understand is, do

**HISHAM "SHAWN" HAMED -- DIRECT**

1 you know for sure that you showed this to him before you  
2 executed it, or not?

3 **A.** I don't know for sure.

4 **Q.** Okay. Same with Exhibit H-1-8, did you show this  
5 document to Waleed before you signed H-1-7?

6 **A.** No, I told him about it.

7 **Q.** Okay.

8 **A.** Because Fathi didn't give me that. I saw it. We  
9 discussed it. He said that I had \$802,000 coming to my  
10 family and that he would be paying us that money --

11 **Q.** Okay.

12 **A.** -- for the release of the stock.

13 **Q.** So Fathi did not give you H-1-8?

14 **A.** I did not, no. I didn't keep that, no.

15 **Q.** Okay. But I'm -- let me just back up.

16 When you had this meeting with Mr. Yusuf, did  
17 he show this to you?

18 **A.** I believe he did.

19 **Q.** Okay. But he didn't give you a copy of it?

20 **A.** No.

21 **Q.** Okay. But instead, he gave you an earlier  
22 iteration of this that you retyped word for word?

23 **A.** Yes.

24 **MR. HARTMANN:** "This," being what?

25 **Q. (Ms. Perrell)** I'm sorry. "This" being H-1-7?

**HISHAM "SHAWN" HAMED -- DIRECT**

1           **A.**    Correct.

2           **Q.**    Okay. All right. And when you had a conversation  
3 with Waleed about it, what was the substance of that  
4 conversation?

5           **A.**    About the -- if he was going to receive the money  
6 and in order for me to go ahead and sign the release.

7           **Q.**    Okay. And did you -- did you know anything about  
8 this when you were reading this or talking about this with  
9 him?

10          **A.**    I remember this transaction back in the early or  
11 mid-'90s. This company was formed and I was going to own  
12 50 percent of the partnership that they had with Rifat  
13 Salem.

14          **Q.**    Um-hum.

15          **A.**    Yeah.

16          **Q.**    All right.

17          **A.**    On behalf of my family, yeah.

18          **Q.**    So you at least knew what this was about?

19          **A.**    Yes, the condominiums.

20          **Q.**    Did you have any idea -- when you had your  
21 conversation with Mr. Yusuf, did you have any understanding  
22 as to when the transaction closed, meaning when the -- the  
23 monies had all been received?

24          **A.**    I thought that he collected the money and then he  
25 would have that money forthcoming.

## HISHAM "SHAWN" HAMED -- DIRECT

1 Q. Okay.

2 A. The compensation.

3 Q. But what I'm asking is, did you have any  
4 understanding from him when he had -- well, let me back up.  
5 Two things.

6 When he came to you with the -- the crumpled-  
7 up version of H-1-7, was it your understanding that the  
8 money had already been received?

9 A. It was my understanding that he needed -- that he  
10 received the money and that he needed this release in order  
11 to consummate the -- the transaction.

12 Q. Okay. Did you have any understanding of how long  
13 before coming to you with this document, Exhibit H-7, he had  
14 received the money?

15 A. No, I'm not sure.

16 Q. Okay. All right. When he went over Exhibit H-1-8  
17 with you, did he just show it to you or did you go through  
18 it line by line?

19 A. He just showed it to me, and saw the grand total  
20 of 800,000.

21 Q. Okay. And did he -- he didn't go through line by  
22 line as to the reasoning?

23 A. No.

24 Q. Okay. All right. When you ultimately signed it,  
25 was -- what was the conversation with your brother to --

**HISHAM "SHAWN" HAMED -- DIRECT**

1 to -- did he agree to go ahead and sign it or what -- what  
2 was his --

3 **A.** Yes, told me to go ahead and sign it.

4 **Q.** Okay. Did he know what this was about at the  
5 time?

6 **A.** I would hope he did, yeah.

7 **Q.** Okay. I didn't know if you had brought it up and  
8 he says, I don't know what you're talking about. I'm just  
9 trying to understand how that conversation went. Did he  
10 say, Oh, yeah, I remember? What was the conversation?

11 **A.** It's like, This is what we have. Do you want me  
12 to sign this or not? And he said, Go ahead and sign it.

13 **Q.** Okay. All right. Do you know if there was any  
14 conversations with your father at the time that this  
15 document, H-7, was signed?

16 **A.** I'm not sure.

17 **Q.** Okay. So your conversation was only with Wally  
18 about that?

19 **A.** Yes. And then afterwards, I spoke with Willie  
20 about it and probably Mafeed.

21 **Q.** Okay. After it was already done?

22 **A.** Um-hum.

23 **Q.** Okay. In your conversation with Willie about it,  
24 what did you two discuss?

25 **A.** That we thought that this whole deal smelled



**HISHAM "SHAWN" HAMED -- DIRECT**

1 fishy. That, you know, it's such -- over 50 acres and you  
2 have shoreline and it's only for 1.5, so it just, you know,  
3 didn't seem right.

4 **Q.** Okay. But you're saying that -- did you know  
5 about the transaction back in 2000?

6 **A.** I -- what do you mean?

7 **Q.** Did you know that there was going to be -- the  
8 sale was going to occur for 1.5 back in 2000?

9 **A.** I believe I signed the document back in 2000 about  
10 it.

11 **Q.** Okay.

12 **A.** Yeah.

13 **Q.** So at the time, you knew that the sale was going  
14 to be for 1.5, correct?

15 **A.** Yep.

16 **Q.** Okay. And you didn't think anything was fishy  
17 then?

18 **A.** I did.

19 **Q.** But you signed it anyway?

20 **A.** Yep.

21 **Q.** Okay. Just a second.

22 Did Mr. Yusuf ever discuss with you how he  
23 had received the funds?

24 **A.** No.

25 **Q.** Okay. Did you ask him?

## HISHAM "SHAWN" HAMED -- DIRECT

1           **A.**    No.

2           **Q.**    Let me ask you to look at Exhibit H-1-6 and see if  
3 you recognize that document?

4           **A.**    Okay.

5           **Q.**    Do you recognize that?

6           **A.**    I recognize my signature on there.

7           **Q.**    Okay. All right. H-1-6 is the agreement for the  
8 sale of the stock. And this agreement was dated in June of  
9 2000.

10                           Were you aware that the transaction was to  
11 occur and have installment payments?

12           **A.**    I wasn't aware.

13           **Q.**    Okay. Did you have any understanding -- well, let  
14 me ask you this: Did you read this document before you  
15 signed it?

16           **A.**    I don't recall if I did.

17           **Q.**    Okay. Is it possible that you didn't read it  
18 before you signed it?

19           **A.**    I don't recall.

20           **Q.**    Okay. You understand that this was a legal  
21 document to exchange the sale of stock?

22           **A.**    Like I said, I didn't remember reading it, or I  
23 don't recall.

24           **Q.**    Okay. All right. Well, the document provides  
25 that --

## HISHAM "SHAWN" HAMED -- DIRECT

1           **MR. HARTMANN:** Object.

2           **MS. PERRELL:** I'm going to read it.

3           **MR. HARTMANN:** He has no knowledge about it.

4           He just --

5           **MS. PERRELL:** But he signed the document.

6           **MR. HARTMANN:** I just objected. You can go  
7           on, Charlotte.

8           **Q. (Ms. Perrell)** All right. The -- the document  
9           provides that there's supposed to be certain installments,  
10          and that all the payments -- it says here, "The first  
11          installment shall become due on January 15th, 2001, and the  
12          remaining installments shall become due on January 15th,  
13          2002, January 15th, 2003, and January 15th, 2004."

14                         So the transaction should have been completed  
15          by January of 2004.

16          **MR. HARTMANN:** Object as to foundation.

17          **Q. (Ms. Perrell)** Okay. Do you -- did you ever ask  
18          Mr. Yusuf about the transaction that occurred, or the  
19          agreement that you signed in 2000, did you ever ask him in  
20          2004 or 2005 about the transaction?

21          **A.** No.

22          **MR. HARTMANN:** Object as to -- wait. Object  
23          as to form. Now you can answer.

24          **A.** No.

25          **Q. (Ms. Perrell)** Okay. Did you ever ask him whether

**HISHAM "SHAWN" HAMED -- DIRECT**

1 or not the sale of the Dorthea property, the funds had been  
2 received, at any point in time before he came in to you and  
3 asked for the release?

4 **A.** At the time of this -- this was in 2000. You got  
5 to understand in 2001, the stores were raided and the homes  
6 were raided. And then in 2003, they were arrested, Fathi  
7 Yusuf was arrested, so I don't think the focus was really  
8 on -- on Y & S. It was more so of, you know, just dealing  
9 with the criminal case.

10 **Q.** All right. And, in fact, isn't it true that the  
11 criminal case continued on, really, until about 2010 or '11?

12 **A.** I believe so.

13 **Q.** Okay. All right. And so during that period of  
14 time, during the pendency of the criminal case, would you  
15 have been apprehensive about signing any kind of a release  
16 document or any kind of a legal document during that time  
17 frame?

18 **A.** What's the time frame?

19 **Q.** Between the -- let's just say here from after the  
20 raid --

21 **A.** In 2001.

22 **Q.** -- until the end of the criminal case?

23 **A.** I would be apprehensive.

24 **Q.** Okay. Do you have any knowledge as to -- let me  
25 ask you this: During the period of time after the raid,

**HISHAM "SHAWN" HAMED -- DIRECT**

1 were there federal monitors in place at Plaza Extra West  
2 where you were working?

3 **A.** Yes.

4 **Q.** Okay. Do you know whether federal monitors were  
5 also in place at the other stores?

6 **A.** Yes.

7 **Q.** All right. As a co-manager at Plaza Extra West,  
8 did you have equal access with Mike Yusuf to the safe?

9 **A.** Yes.

10 **Q.** Okay. And is it your understanding that that was  
11 the arrangement and the relationship as to the other stores  
12 as well, the co-managers would have access to the safe?

13 **A.** I'm not sure.

14 **Q.** Okay. Well, you were at Tutu Park, correct, for a  
15 period of time?

16 **A.** Yes.

17 **Q.** Okay. Did you have access to the safe in Tutu  
18 Park --

19 **A.** No.

20 **Q.** -- when you were there?

21 Okay. Were you a co-manager at the time?

22 **A.** I don't know what my title was, but I did --  
23 correction, I did have access to the safe downstairs.

24 **Q.** Okay. And was that a smaller safe?

25 **A.** Yes, the smaller safes, that's correct.

**HISHAM "SHAWN" HAMED -- DIRECT**

1 Q. Okay.

2 A. And, yes. Not the big safe.

3 Q. Okay. Who had access to the big safe in Tutu  
4 Park?

5 A. Willie did, at that time.

6 Q. Do you have any knowledge relating to the -- there  
7 was a \$2.7 million withdraw that happened in August of 2012.

8 Do you have any knowledge, personal  
9 knowledge, relating to that transaction?

10 A. What do you mean by "personal knowledge"?

11 Q. Were you involved when the check was -- or the  
12 letter that accompanied the check was handed to the Hameds?

13 A. No, I was not present.

14 Q. Okay. Were you at all present between any  
15 meetings or communications between the Yusufs and the Hamed  
16 relating to that \$2.7 million check?

17 A. No, I don't recall that.

18 Q. Okay. So would it be fair to say your knowledge  
19 relating to the \$2.7 million and the -- the letter that  
20 accompanied it is all information that you received from  
21 others?

22 A. From the case.

23 Q. Okay. Or from during the case?

24 A. Yes, because that's what initiated the case.

25 **MS. PERRELL:** Okay. All right. I don't have

**HISHAM "SHAWN" HAMED -- CROSS**

1 anymore questions. I don't have anymore questions, but he  
2 may have a couple follow-up.

3 (Respite.)

4 **CROSS-EXAMINATION**

5 **BY MR. HARTMANN:**

6 **Q.** Just a couple questions.

7 How did it happen that -- Fathi Yusuf wasn't  
8 on St. Croix, was he, at the time in 2011 when you -- or  
9 2012, when you executed the stock release?

10 **A.** No, I believe he was still working out of Plaza  
11 Extra Tutu.

12 **Q.** Okay. How did it happen that he was in the West  
13 store that day?

14 **A.** He just came by. It was in the evening.

15 **Q.** Okay. And did you invite him over? Did he call  
16 to make an appointment? How did it work?

17 **A.** He just showed up.

18 **Q.** He showed up. Okay.

19 And when he showed up, what did he say? Did  
20 he say why he was there?

21 **A.** Yes.

22 **Q.** Okay. And why did he say he was there?

23 **A.** He said he was there because he wanted to get the  
24 stock certificate release signed.

25 **Q.** Okay. And -- and what did he say about the -- why

**HISHAM "SHAWN" HAMED -- CROSS**

1 you should sign the stock release certificate?

2 **A.** So we could get the money.

3 **Q.** What do you mean by that? I want to know what he  
4 told you. Explain to me exactly who said what back and  
5 forth to the extent that you recall.

6 **A.** Well, that's the thing, I mean, I don't really  
7 recall the whole conversation, how it went. But the general  
8 gist of it is he came by. He asked for me to look at this  
9 document. I looked at the document. And they said, Okay.  
10 Well, I need you to retype it word for word. Make sure it's  
11 word for word. So -- because the copy wasn't clean. He  
12 mentioned to me that it had \$802,000 that was due to the  
13 Hameds and that would be forthcoming.

14 And once I told him -- when I got that, I  
15 said, Listen, I got to talk to my brother about it and  
16 figure out what's going on. He said, No problem. And he  
17 gave me the paper and I believe he left that day. And then  
18 he came back, and, you know, when I signed it. I don't  
19 remember exactly if I signed it that particular night or if  
20 I signed it on another day.

21 **Q.** But if you signed it at another day, it would have  
22 been within how many days?

23 **A.** Within the day, next day or -- or so, because  
24 he -- he wanted it.

25 **Q.** Okay. And you said you were a shareholder in Y &



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1 S Corporation, right?

2 **A.** I believe I did.

3 **Q.** Okay. And do you know who else was another  
4 shareholder in Y & S?

5 **A.** Yeah, Najeh Yusuf and one of the Salems.

6 **Q.** Okay.

7 **A.** Salems owned 50 and then we owned -- Najeh owned  
8 25 and I owned 25 for our respective families.

9 **Q.** Okay. And if -- if you owned half of it and Najeh  
10 owned half of it, what the heck is Fathi doing in the middle  
11 of this thing?

12 **A.** Well, I guess he was the designated nominee. I  
13 mean, he was the one that made the transaction happen. He  
14 made the agreement with Rifat Salem. And, I guess, you  
15 know, he collected and -- and he got the stocks released,  
16 so --

17 **Q.** When you say, "he collected," what does that mean?

18 **A.** He -- obviously, he had to -- he had to have  
19 collected the compensation, otherwise he would not want to  
20 have the stocks released.

21 **Q.** Okay. But you don't know when he collected that  
22 compensation?

23 **A.** No, I don't.

24 **Q.** And do you know if he collected that in cash or in  
25 something else?

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1           **A.**    I -- I don't.

2           **Q.**    Okay.  And when you said he was the designated  
3 nominee, do you know what designated nominee means?

4           **A.**    Well, it means that he's got to collect the  
5 compensation or the funds or whatever you may call it, and  
6 he also has to get the stocks released.  And I would assume  
7 he gave that to the Attorney King, and a deal was  
8 compensated then.

9           **Q.**    And what -- do you know what made him the  
10 designated nominee?

11          **A.**    Didn't he appoint himself?  I'm not sure.  I mean,  
12 from reading --

13          **Q.**    Well, when you say he's the "designated nominee,"  
14 he's the designated nominee under what?

15          **A.**    Under Y & S.

16          **Q.**    Under?

17          **A.**    Y & S Company.

18          **Q.**    Yeah.

19          **A.**    Yeah.

20          **Q.**    So he was the designated nominee for Y & S?

21          **A.**    Yes.

22          **Q.**    And -- and how did that relate to this -- this  
23 agreement?  To the stock sale agreement?

24          **A.**    How did it relate to the stock agreement?

25          **Q.**    Yeah.  I mean, you're selling the stock to Salem,

**HISHAM "SHAWN" HAMED -- CROSS**

1 right?

2 **A.** Yeah.

3 **Q.** Okay. So what was the designated nominee supposed  
4 to do for the stock sale? This is under the contract that  
5 counsel just showed you. What exhibit number is that?

6 **MS. PERRELL:** H-1-6.

7 **Q. (Mr. Hartmann)** Okay. Under that document, under  
8 that contract, you're saying he was the designated nominee?

9 **A.** I -- I don't really remember reading this  
10 contract.

11 **Q.** So all you knew, that it was Fathi who was in  
12 charge of this thing, right?

13 **A.** Yes.

14 **Q.** Okay. And Fathi was going to get stock for  
15 Mr. Salem --

16 **A.** Yes, he was going --

17 **Q.** -- from Mr. King?

18 **A.** -- he was going to get the release from me and his  
19 son.

20 **Q.** And then what was going to happen?

21 **A.** And then we would get the compensation.

22 **Q.** And how much was that?

23 **A.** The 800,000 that he showed us.

24 **Q.** Okay.

25 **A.** Or showed me.

**HISHAM "SHAWN" HAMED -- CROSS**

1           **Q.**    And did Fathi Yusuf do all those things? Did he  
2 collect the money? Did he take the thing to Attorney King?  
3 Did he get the stock released all under that contract?

4           **A.**    I know that he -- he got the stocks released and I  
5 would assume that he got everything else that he needed to  
6 get to fulfill that transaction.

7           **Q.**    Okay. And you said you were here for the rest of  
8 the deposition. You heard one of your brothers testify that  
9 he had a subsequent conversation from Mr. -- with Mr. Salem  
10 who said, Did you guys ever get your money? Did you hear  
11 that?

12          **A.**    Yes.

13          **Q.**    Okay. And did you ever hear a conversation with  
14 Mr. Salem?

15          **A.**    No.

16          **Q.**    Okay. Did you ever have a conversation with  
17 anybody else that we haven't discussed today? Your brother,  
18 Wally, your brother, Willie, Mr. Yusuf, did you ever discuss  
19 this with any other person?

20          **A.**    No.

21                   **MR. HARTMANN:** Okay. I have no further  
22 questions.

23                   **MS. PERRELL:** No redirect.

24                   **MR. HARTMANN:** Thank you very much.

25                   **THE WITNESS:** Thank you.

**HISHAM "SHAWN" HAMED -- CROSS**

1                   **MR. HARTMANN:** Wait.

2                   **THE VIDEOGRAPHER:** This is the adjournment of  
3 the deposition. The time is 3:44.

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8                   (Whereupon the deposition adjourned

9                                   at 3:44 p.m.)

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**C-E-R-T-I-F-I-C-A-T-E**

I, SUSAN C. NISSMAN, a Registered Merit Reporter and Notary Public for the U.S. Virgin Islands, Christiansted, St. Croix, do hereby certify that the above and named witness, **HISHAM "SHAWN" HAMED**, was first duly sworn to testify the truth; that said witness did thereupon testify as is set forth; that the answers of said witness to the oral interrogatories propounded by counsel were taken by me in stenotype and thereafter reduced to typewriting under my personal direction and supervision.

I further certify that the facts stated in the caption hereto are true; and that all of the proceedings in the course of the hearing of said deposition are correctly and accurately set forth herein.

I further certify that I am not counsel, attorney or relative of either party, nor financially or otherwise interested in the event of this suit.

IN WITNESS WHEREOF, I have hereunto set my hand as such Registered Merit Reporter on this the 8th day of February, 2019, at Christiansted, St. Croix, United States Virgin Islands.

My Commission Expires:  
July 18, 2019

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Susan C. Nissman, RPR-RMR  
NP-70-15