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

**- - -**

**MOHAMMAD HAMED, By His Authorized Agent, )**

**WALEED HAMED, ) Civil No.**

**) SX-12-CV-370**

**Plaintiff/Counterclaim Defendant, )**

**)ACTION FOR**

**vs. )INJUNCTIVE RELIEF,**

**)DECLARATORY FATHI YUSUF and UNITED CORPORATION, )JUDGMENT,**

**)PARTNERSHIP**

**Defendants/Counterclaimants, )DISSOLUTION, WIND**

**)UP, and ACCOUNTING**

**vs. )**

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

**)**

**Counterclaim Defendants. )**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)**

**) Consolidated with WALEED HAMED, as Executor of the ESTATE )**

**OF MOHAMMAD HAMED, ) Civil No.**

**) SX-14-CV-287**

**Plaintiff, )**

**)ACTION FOR DAMAGES**

**vs. )and DECLARATORY**

**)JUDGMENT**

**UNITED CORPORATION, )**

**)**

**Defendant. )**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)**

**) Consolidated with**

**MOHAMMAD HAMED, )**

**) Civil No.**

**Plaintiff, ) SX-14-CV-378**

**)**

**vs. )ACTION FOR DEBT**

**)and CONVERSION**

**FATHI YUSUF, )**

**)**

**Defendant.) )**

**)**

**- - -**

**Transcript of Hearing**

**- - -**

**Transcript of Hearing**

**DATE: Tuesday, September 28, 2021**

**LOCATION: Lower Level Conference Room**

**Law Offices of Joel H. Holt Quinn House**

**2132 Company Street**

**Christiansted, VI 00820**

**BEFORE: HONORABLE EDGAR D. ROSS**

**Special Master**

**APPEARANCES: JOEL H. HOLT, ESQ.**

**Law Offices of Joel H. Holt Quinn House - Suite 2**

**2132 Company Street**

**Christiansted, VI 00820 (For the Plaintiffs)**

**CARL J. HARTMANN III, ESQ. (Via Zoom)**

**5000 Estate Coakley Bay - Unit L-6 Christiansted, VI 00820**

**(For the Plaintiffs)**

**CHARLOTTE K. PERRELL, ESQ. STEFAN B. HERPEL, ESQ.**

**Dudley Newman Feuerzeig LLP Law House**

**1000 Frederiksberg Gade St. Thomas, VI 00802 (For the Defendants)**

**I-N-D-E-X**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **PLAINTIFF'S WITNESSES** | **D** | **C** | **RD** | **RC** |
| Waleed "Wally" Hamed | 14 | 39 | 66 | - |

**DEFENDANT'S WITNESSES**

Fathi Yusuf 79 105 119 121

**HEARING ADJOURNED** 124

\* \* \* \* \* \* \* \*

Amalie

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **PLAINTIFF'S EXHIBITS** | | | **E-X-H-I-B-I-T-S** | **ID** | **ADM** |
| No. 1 - Aerial photo | | | of East - Charlotte | 15 | 38 |
| No. 2 - Aerial photo | | | of properties: | 17 | 38 |
| No. | 3 | 0.536 Acres and 9.438 Acres  - Act No. 6914 | | 21 | 38 |
| No. | 4 | - Written Declaration and Undertaking | | 27 | 38 |
| No. | 5 | - Balance Sheet - Plaza Extra, STT | | 35 | 38 |
| No. | 6 | - Balance Sheet - STX Shopping Center | | 35 | 38 |
| No. | 7 | - Affidavit of Mohammad Hannun, | | 75 | 77 |
| No. | 9 | - Fathi Yusuf's Answers to Waleed | | 76 | - |
| No. | 8 | - Excerpt of Deposition of Najeh Yusuf | | 77 | 77 |

for property in Jordan December 31, 2012

December 31, 2012

April 21, 2014

Hamed's First Set of Interrogatories, November 20, 2013

**\* \* \* \* \* \***

## E-X-H-I-B-I-T-S

Waleed Hamed Fathi Yusuf

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **DEFENDANT'S EXHIBITS**  No. 6 (F) - Excerpt of Deposition | | | | of |  | **ID**  53 | **ADM**  79 |
| No. | 3 | (C) | - Excerpt of Deposition | of |  | 97 | - |
| No. | 2 | (B) | - Fathi Yusuf's Answers | to | Waleed | 101 | 101 |
| Hamed's First Set of  Interrogatories, November 20,  2013 | | | | | | | |
| No. | 17 - | | Affidavit of Suleiman Khaled, | | | 122 | 122 |
| No. | 18 - | | Affidavit of Bakir Hussein | | | 122 | 122 |

May 31, 2014

August 10, 2014

**\* \* \* \* \* \***

### (WHEREUPON, hearing commenced.)

1. THE COURT: In the matter of
2. Waleed Hamed versus Fathi Yusuf, et al.,
3. Case No. SX-2012-CV-370, which is also related
4. with three other -- four other cases.
5. Are the parties ready?
6. ATTORNEY HOLT: Yes, Your Honor.
7. THE COURT: For the record, would
8. you introduce yourself and your client? We'll
9. start with the plaintiff.
10. ATTORNEY HOLT: Yes, Your Honor.
11. I'm Joel Holt, and I represent the plaintiff,
12. Mr. Hamed. This is Waleed Hamed, "Wally" Hamed
13. at counsel's table with me.
14. ATTORNEY PERRELL: Good morning,
15. everyone. My name is Charlotte Perrell. I,
16. along with my co-counsel, Stefan Herpel, are
17. representing Mr. Fathi Yusuf in this matter, as
18. well as all of the defendants in this case.
19. THE COURT: And Mr. Fathi Yusuf
20. is here present?
21. ATTORNEY PERRELL: Yes.
22. ATTORNEY HOLT: And, Your Honor,
23. Attorney Carl Hartmann is in attendance by Zoom.
24. THE COURT: Yes.
    1. This is in reference to the Claim
    2. H-142, a Half Acre in Estate Tutu, St. Thomas.
    3. Are you ready to proceed?
    4. ATTORNEY HOLT: Yes, Your Honor.
    5. THE COURT: Any opening
    6. statements?
    7. ATTORNEY HOLT: Well, I would
    8. like to say a couple of housekeeping matters.
    9. THE COURT: You may.
    10. ATTORNEY HOLT: The parties have
    11. stipulated that three affidavits of individuals
    12. who attended certain meetings, and have been
    13. produced in this case, can be used in lieu of
    14. their appearing live and testifying. So you
    15. will have those three affidavits submitted to
    16. you in lieu of those witnesses actually
    17. testifying, and that's a stipulation reached by
    18. counsel.
    19. Additionally, prior to the hearing, we
    20. filed two requests to take judicial notice. One

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **21** | of | them | -- |  |
| **22** |  |  |  | THE COURT: Three. |
| **23** |  |  |  | ATTORNEY HOLT: Huh? |
| **24** |  |  |  | THE COURT: There were three. |
| **25** |  |  |  | ATTORNEY HOLT: Actually, we |

1. filed two separate requests for a total of four
2. items. We emailed them this morning.
3. ATTORNEY PERRELL: Oh, okay.
4. ATTORNEY HOLT: The first one --
5. the first two I would like to address at the
6. beginning of the hearing.
7. THE COURT: You may.
8. ATTORNEY HOLT: One, is that you
9. have already found that the property in
10. question, Parcel No. 2-4 Remainder, Estate
11. Charlotte Amalie, is partnership property.
12. And two, you've already found that it's
13. undisputed that while there was a meeting to
14. discuss the properties, essentially, in March of
15. 2011, where additionally discussed about giving
16. two properties and only one property was given,
17. that, in fact, no meeting of the minds ever
18. occurred at that hearing.
19. That's your order dated May 3, 2020,
20. pages 23 to 30. We would ask that the Court
21. take judicial notice of those two facts based on
22. your orders.
23. ATTORNEY PERRELL: Your Honor --
24. THE COURT: Yes.
25. ATTORNEY PERRELL: -- Charlotte
    1. Perrell on behalf of Mr. Yusuf, et al.
    2. To respond, the first thing with regard
    3. to the particular property being partnership
    4. property, I believe the Court's orders speak for
    5. themselves as to the specifics of that. The
    6. Court found, from my understanding, is that it
    7. was partnership property from at least the
    8. period of 2008 through 2011, and the issue at
    9. present is whether or not it maintained to be
    10. partnership property after these various
    11. meetings, which is in dispute right now.
    12. ATTORNEY HOLT: We agree with
    13. that, her position. Actually, that's in the
    14. request this morning.
    15. THE COURT: Yeah, but the request
    16. tends to suggest that from 2008 onward it's
    17. partnership property.
    18. ATTORNEY HOLT: Well, it's the
    19. partnership being in dispute currently before
    20. the Court, whether there was an agreement in

**21** 2011.

1. THE COURT: The explanations of
2. the parties, then I will accept it.
3. ATTORNEY HOLT: Okay.
4. ATTORNEY PERRELL: And then
   1. secondly, Your Honor, the order dated May 3,
   2. 2020, which was later attached to the second
   3. request, obviously, is a very lengthy order, and
   4. we certainly recognize the Court can take
   5. judicial notice of that, of its own order.
   6. I would suggest that the Court found
   7. that there had been a meeting of the minds after
   8. the meeting that occurred at Mr. Hamed's home,
   9. and that Mr. Yusuf then properly was able to
   10. rescind that meeting of the minds, which is
   11. called the original agreement. And the question
   12. for the Court now is whether there was a
   13. subsequent agreement thereafter, and that that
   14. is the subject of the dispute.
   15. So I feel that the Court's order is
   16. very clear. I'm not so sure that these judicial
   17. notices are quite as comprehensive, but if the
   18. Court wants to just simply take judicial notice
   19. of its order and findings therein, we obviously
   20. accept those, of course.
   21. ATTORNEY HOLT: And we would
   22. agree with her proffer, and the only reason we
   23. did this so we didn't have to start all over
   24. again --
   25. THE COURT: I understand, but I
       1. just didn't want to grant your request without
       2. an explanation because the request as stated
       3. tends to favor one side over the other, and the
       4. inference could be that the Court did more than

|  |  |  |
| --- | --- | --- |
| **5** | it | actually said. |
| **6** |  | ATTORNEY HOLT: Okay. |
| **7** |  | ATTORNEY PERRELL: Your Honor, if |
| **8** | we | could, we would just simply ask that, I think |

1. it's the easiest way to go about this rather
2. than picking snippets of the Court's prior
3. orders, that the Court, you know, simply take
4. judicial notice of its comprehensive orders, and
5. they are the best evidence of what the Court's
6. already found.
7. THE COURT: Yes.
8. ATTORNEY HOLT: And then we had
9. two more requests, one of which is contained
10. therein, and we ask the Court to take judicial
11. notice of just a portion of the attached
12. interrogatories signed by Mr. Fathi Yusuf, his
13. responses in this case.
14. And then, this morning, the second
15. request, which I can't locate it anywhere, but
16. basically, the second request just dealt with --
17. since we're putting the affidavits into

**1** evidence --

# 2

**3**

THE COURT: The three affidavits. ATTORNEY HOLT: -- the second

1. request is just asking the Court to take
2. judicial notice that the affidavits were
3. obtained by Mr. Yusuf in 2014 and produced to
4. the Hamed's in 2017, which was the subject of an
5. order you issued where you discussed their
6. admissibility and sanctions. And we just want
7. you to take judicial notice that they were
8. executed in 2014, which Mr. Yusuf obtained and
9. provided to the Hamed's in 2017.
10. THE COURT: Yes.
11. ATTORNEY PERRELL: Your Honor, if
12. I may respond? With regard, going back to the
13. interrogatory responses, we have no problems
14. with those interrogatory responses. We're going
15. to be introducing some earlier responses that
16. were already one of the exhibits in the motion
17. for summary judgment. There is no dispute that
18. Mr. Yusuf executed those discovery responses and
19. the verifications there. We will be asking to
20. just simply admit it into evidence. If the
21. Court would prefer judicial notice, that's fine.
22. We just felt like that would be the easier path
23. of resistance.
24. And with regard to the issue as to the
25. exhibits, again, if the Court is going to be
26. going ahead and simply admitting its entire

**5** May 3, 2020 order, I think that takes care of

1. the findings that the Court may even need those
2. affidavits, and so forth, and we certainly
3. acknowledge that.
4. THE COURT: Very well.
5. ATTORNEY HOLT: So, Your Honor,
6. we only have one witness who we're going to
7. call, that's Waleed Hamed. I think just to give
8. the Court some guidance, I don't think that the
9. testimony will be long, but we're going to ask,
10. if you could, to have a set of the exhibits in
11. front of him so I don't have to keep handing
12. them up, and then we'll move them in evidence
13. and admit, if that's okay.
14. THE COURT: You may proceed.
15. ATTORNEY PERRELL: And, Your
16. Honor, I just wanted to acknowledge that we have
17. our set of exhibits simply sitting there, again,
18. for the convenience of the witnesses.
19. THE COURT: Mr. Hamed, please
20. stand and raise your right hand.
    1. **WALEED "WALLY" HAMED,**

### after having been first duly sworn, testified as

* 1. **follows:**
  2. THE COURT: You may proceed.

## DIRECT EXAMINATION

* 1. **BY ATTORNEY HOLT:**
  2. **Q.** Can you state your name for the
  3. record, please?
  4. **A.** Waleed Hamed, also known as
  5. Wally.
  6. **Q.** Could you tell the Court who your
  7. father is?
  8. **A.** Mohammad Hamed.
  9. **Q.** And he's deceased, correct?
  10. **A.** Yes, Sir.
  11. **Q.** And are you aware of a
  12. partnership relationship that he had with
  13. Mr. Yusuf --
  14. **A.** Yes.
  15. **Q.** -- for a long time?
  16. **A.** Yes.
  17. **Q.** I'm showing you -- in addition to
  18. having an interest within the partnership, were
  19. there other businesses that the two families
  20. also owned?
      1. **A.** Yeah, we have several
      2. corporations that own our property.
      3. **Q.** Okay. And if you could look at
      4. Exhibit No. 1, and if you can just show the
      5. Court.

### (Plaintiff's Exhibit No. 1 tendered.)

* + 1. You're familiar with the property in
    2. St. Thomas that was purchased called the Plessen
    3. property?
    4. **A.** Yes.
    5. **Q.** If you could, since that exhibit
    6. is so small, if you could just -- this is an
    7. aerial photograph of the area.

### (Blow up of Plaintiff's Exhibit

**15 No. 1.)**

1. First of all, I take it St. Croix is
2. south, going that way (pointing)?
3. **A.** Yes.
4. **Q.** And this big white (pointing) --
5. **A.** That's Tutu Park Mall.
6. **Q.** And that's where the Plaza is?
7. **A.** Yes.
8. **Q.** Okay. And then in looking at
9. this map, can you point us to the acreage that
10. is called the Plessen property?
    1. **A.** This is the Plessen property
    2. right here (pointing).
    3. **Q.** And when this property was
    4. acquired, was there any access to this property?
    5. **A.** There was access on, I guess that
    6. would be the eastern side. This road right here
    7. (pointing).
    8. **Q.** Okay. And did there come a time
    9. that you sought to have the property rezoned?
    10. **A.** Yes.
    11. **Q.** And you do that in front of the
    12. Legislature?
    13. **A.** Yes, we did.
    14. **Q.** And did the Legislature make
    15. certain requirements of your family in order to
    16. rezone that property?
    17. **A.** They wouldn't rezone it. They
    18. had problems with the road not being sufficient
    19. to take the nine and a half acres, or the
    20. Plessen property. They wanted additional
    21. entrances, or at least to accommodate the
    22. traffic.
    23. **Q.** Okay. And then showing you
    24. Exhibit No. 2, this is kind of a blow up of the
    25. area we just showed.

### 1 (Blow up of Plaintiff's Exhibit

**2 No. 2.)**

1. First of all, can you show me the
2. original Plessen property?
3. **A.** Yes, right here (pointing).
4. **Q.** 9.4 acres?
5. **A.** Yes.
6. **Q.** I've used the term "Plessen", who
7. is that owned by?
8. **A.** Plessen is owned by the Hamed
9. family and the Yusuf family. The Hamed family
10. owns 50 percent of the property, and each one of
11. the sons and Mr. Hamed owns 10 percent of the
12. 50 percent.
13. **Q.** Does a corporation actually own
14. that property?
15. **A.** Yes, Plessen Enterprises.
16. **Q.** And the Hamed family owns 50
17. percent of the stock?
18. **A.** Yes.
19. **Q.** And the Yusuf family owns the
20. other 50 percent?
21. **A.** Yes.
22. **Q.** And as far as the Hamed interest
23. is concerned, do the father and the four
24. children own it equally or do you each own your
25. own shares?
26. **A.** We all equally, 10 percent.
27. **Q.** You each own 10 percent?
28. **A.** Yes.
29. **Q.** So you own them separately?
30. **A.** Yes.
31. **Q.** Okay. Then showing you this
32. yellow piece right here (pointing), can you tell
33. me what that is?
34. **A.** That piece of property was
35. acquired to give access to the nine and a half
36. acres to the main highway.
37. **Q.** And that's the piece that the
38. Legislature wanted you to acquire, or they
39. wanted you to get extra access --
40. **A.** Yes, that's when we ventured out
41. there and we bought the piece of property to
42. give more access to that nine and a half acres.
43. **Q.** And that's .5 acres?
44. **A.** Yes.
45. **Q.** And who is that property tied
46. with?
47. **A.** It's tied to the United
48. Corporation.
    1. **Q.** And that's a partnership?
    2. **A.** One of the partnerships, yes.
    3. **Q.** Okay. And then, if I could just
    4. briefly go a little bit more --
    5. ATTORNEY PERRELL: Objection as
    6. to timeframe. You said it's United, but it's a
    7. partnership. Objection as to timeframe.

## BY ATTORNEY HOLT:

* 1. **Q.** Correct. At the time that you
  2. purchased it, it was purchased by the
  3. partnership?
  4. **A.** Yes, it was.
  5. **Q.** Today there's a dispute as to
  6. whether or not the partnership still owns it;
  7. correct?
  8. **A.** Yes.
  9. **Q.** And so, in looking at this a
  10. little bit better, can you show the Court, first
  11. of all, where is the access from the highway to
  12. give access?
  13. **A.** Access is right here (pointing).
  14. This is the main highway that connects downtown,
  15. St. Thomas, and then it goes into the mall right
  16. over on this side (indicating).
  17. **Q.** Okay.

1. **A.** And this would give us more
2. access over on this side (indicating).
3. **Q.** Within the original 9.4 acres, is
4. there any activity going on there currently, any
5. tenants, or anything?
6. **A.** There's tenants on this half acre
7. that's been there for a long time.
8. **Q.** There's no tenants on this
9. (pointing)?
10. **A.** No.
11. **Q.** And what was the original plan
12. with this property?
13. **A.** This is really to relocate the
14. Tutu Park store, Plaza Tutu Park store into this
15. location.
16. **Q.** So you would no longer be a
17. tenant of the Tutu Park Mall?
18. **A.** That's correct.
19. **Q.** And of the tenants over there,
20. are there tenants who pay rent?
21. **A.** Yes.
22. **Q.** And who collects and keeps it --
23. at the time that you purchased it up until,
24. let's say 2011, who collected the rent?
25. **A.** Najeh Yusuf.
26. **Q.** And Najeh Yusuf then deposited
27. the money where?
28. **A.** Nejah would collect it and it
29. would be put down in one place until, you know,
30. every five weeks, and the monies would be
31. deposited in the Plaza Extra Tutu Park store
32. accounts.
33. **Q.** And that's --
34. **A.** The Tutu partnership.
35. **Q.** The partnership. Okay. All
36. right.
37. In showing you Exhibit No. 3, if you
38. could, on your pile, can you just tell me what
39. that is?

### (Plaintiff's Exhibit No. 3 tendered.)

1. **A.** That's Act 6914 that the
2. Legislature granted us a zoning change on the
3. nine and a half acres.
4. **Q.** And that's when the Legislature
5. granted the rezone?
6. **A.** Yes.
7. **Q.** And did you purchase the half
8. acre parcel before the rezoning changed?
9. **A.** I believe so.
10. **Q.** Now, in preparation for your
    1. testimony today, did you also prepare just kind
    2. of a graphic giving critical timelines of the
    3. issues we're dealing with today?
    4. **A.** Yes.
    5. **Q.** And you're aware of the fact that
    6. -- well, first of all, that the criminal case
    7. was finalized in February of 2010, correct?
    8. **A.** Yes, it has.
    9. **Q.** And after the criminal case was
    10. finalized, did there come a time where there
    11. were some disputes between your father and
    12. Mr. Yusuf over certain things?
    13. **A.** Yes.
    14. **Q.** And generally speaking, what were
    15. those disputes?
    16. **A.** Fathi started with accusations
    17. that my father stole millions of dollars, that I
    18. stole millions of dollars.
    19. **Q.** As a result of conversations,
    20. were there meetings to try to see if it can be
    21. resolved?
    22. **A.** There were meetings, yes.
    23. **Q.** And directing your attention to

**24** March of 2011 --

**25** ATTORNEY PERRELL: Objection,

1. Your Honor. The demonstrative document really
2. suggests certain answers and responses. I think
3. the facts are not in evidence yet, or at least
4. the testimony of the witness. I think it's
5. inappropriate to show him, in essence, the
6. answer.

## BY ATTORNEY HOLT:

1. **Q.** Okay. Do you recall in March of
2. 2011 there being a meeting at someone's house?
3. **A.** There was a meeting at my dad's
4. house, yes.
5. **Q.** Here on St. Croix?
6. **A.** Yes.
7. **Q.** And who was present at that
8. meeting?
9. **A.** I was present, my dad, and Fathi.
10. **Q.** And who were negotiating? Who
11. was talking?
12. **A.** Fathi came over to -- came over
13. to my father so he can negotiate what was Fathi
14. refusing us of to really make peace and get this
15. whole thing out of the way.
16. **Q.** Okay. And were you involved in
17. those discussions?
18. **A.** No, but I was present.
19. **Q.** And can you tell the Court then,
20. did your father make any offers to Mr. Yusuf?
21. **A.** There was offers that Fathi --
22. that my father offered to Fathi two pieces of
23. property, and Fathi reneged and said, *No, I will*
24. *only take one*.
25. **Q.** I take it at the outset that
26. Mr. Yusuf had asked for the two pieces of
27. property?
28. **A.** Yes.
29. **Q.** And so your father offered to
30. give those two pieces of property?
31. **A.** Yes.
32. **Q.** And as a result, Mr. Yusuf
33. decided that he only wanted to take one of
34. those?
35. **A.** Yes. He said, *You honored me and*
36. *for the peace and for the time that we spent*
37. *with each other all these years, we will make*
38. *peace. We will sell the stores and everybody go*
39. *their separate ways, everybody would stop doing*
40. *what they're doing.* And he agreed on this
41. thing, once he give me the two pieces. Then he
42. said, *No, I will only take one piece*. They
43. shook hands and they left for the day.
    1. **Q.** So after they shook hands,
    2. Mr. Yusuf left?
    3. **A.** I'm sorry?
    4. **Q.** After they shook hands on the one
    5. piece, Mr. Yusuf left?
    6. **A.** Yes.
    7. **Q.** Did there come a point very
    8. shortly thereafter that Mr. Yusuf changed his
    9. mind?
    10. **A.** Yes, he sure did. I'm not sure
    11. whether it was that evening or the following
    12. day, but he did come to me and said, *Look, your*
    13. *father offered me the two, I change my mind, I*
    14. *want two*.
    15. **Q.** So he rescinded the agreement of
    16. just taking one?
    17. **A.** Yes.
    18. **Q.** All right. Did there come a time
    19. that your father then went to Jordan?
    20. **A.** My dad went down to Jordan for my
    21. niece's wedding. Fathi immediately followed
    22. him.
    23. **Q.** And before I get that out, I
    24. missed one point. After Fathi told you that he
    25. wanted the two pieces and rescinded the

**1** agreement, did he go back and talk to your

|  |  |  |
| --- | --- | --- |
| **2** | father about | that? |
| **3** | **A.** | No, he didn't. |
| **4** | **Q.** | He asked that you go back and |
| **5** | talk to your | father? |
| **6** | **A.** | He told me to tell him. |
| **7** | **Q.** | Did you go back and tell him? |
| **8** | **A.** | I told him, yes. |
| **9** | **Q.** | And what did your father say? |
| **10** | **A.** | My father didn't respond. He |

1. didn't respond.
2. ATTORNEY PERRELL: I'm sorry, I
3. couldn't hear him.
4. ATTORNEY HOLT: He didn't
5. respond.
6. ATTORNEY PERRELL: He did not
7. respond?
8. THE WITNESS: Right.
9. ATTORNEY PERRELL: He did not
10. respond?
11. THE WITNESS: Right.

## BY ATTORNEY HOLT:

1. **Q.** All right. And so, your father
2. then went to Jordan. Why did he went to Jordan?
3. **A.** He went for my niece's wedding.
4. **Q.** And while he was at your niece's
5. wedding, did he meet Mr. Yusuf again in Jordan?
6. **A.** Fathi is who came over to him and
7. told him that he need to draw up the documents
8. for the deal that we made.
9. **Q.** And looking at Exhibit No. 4, can
10. you tell me what that document is?

### (Plaintiff's Exhibit No. 4 tendered.)

1. **A.** That's a document that was
2. prepared by Fathi Yusuf's attorneys over on that
3. side of world, translation from English to
4. Arabic -- I mean from Arabic to English.
5. **Q.** So the original document is in
6. Arabic?
7. **A.** Yes.
8. **Q.** What does that document purport
9. to do?
10. **A.** The agreement that my dad would
11. turn over his interest in that piece of property
12. to Fathi Yusuf.
13. ATTORNEY PERRELL: Objection.
14. Objection. The document speaks for itself.
15. ATTORNEY HOLT: It's in Arabic.
16. ATTORNEY PERRELL: Well, the
17. English translation, the document speaks for
18. itself. You said what does it purport to do?
19. And I said the document speaks for itself.
20. Objection.
21. ATTORNEY HOLT: We will stipulate
22. it's an accurate translation.
23. ATTORNEY PERRELL: That's fine.
24. THE COURT: Okay.

## BY ATTORNEY HOLT:

1. **Q.** All right. And so, did your
2. father return from Jordan?
3. **A.** Yes, he did.
4. **Q.** And at any time before your
5. father went to Jordan, did he convey any other
6. property to Fathi Yusuf?
7. **A.** No.
8. **Q.** And when he returned from Jordan,
9. do you know whether or not he met with Fathi
10. Yusuf again to negotiate?
11. **A.** No, Sir, he didn't.
12. **Q.** He did not?
13. **A.** No.
14. **Q.** And why not?
15. **A.** Because the deal was done. We
16. thought we had a deal. We thought we were
17. finished with this guy.
    1. **Q.** Did there come a time that you
    2. entered into new discussions with Mr. Yusuf?
    3. **A.** Yes. When my dad came back, my
    4. dad was sick, and from there on I took over the
    5. negotiations or the dealings with Fathi Yusuf
    6. because he continued accusing us of more things
    7. and more things and more things.
    8. I remember having a meeting with Fathi,
    9. Fathi called me over and said, *Hey, I found 1.5*
    10. *and I want a piece of property*. I said, *I*
    11. *thought we had a deal. I thought this was done*.
    12. He said, *Well, I'll finish if you give me more*
    13. *property*. I said, *Well then, I'll get back to*
    14. *you*.
    15. **Q.** And did there come a time that
    16. there was finally a meeting with Mr. Yusuf where
    17. a second piece of property was discussed in the
    18. meeting?
    19. **A.** That was down the road, maybe two
    20. months, a meeting we had -- I had with him
    21. between August and September. We had another
    22. meeting that -- he would go around the community
    23. and he would continue accusing us and building
    24. up this persona that we stole, we stole, we
    25. stole.
        1. The elders came in and called me one
        2. day, I'm not too sure what location it was, sat
        3. down, and after a few hours, they said, *Look,*
        4. *your father had a deal, you gave him the option,*
        5. *go ahead and give him the piece of property.*
        6. *You have -- told us to finish with this guy*
        7. *because he's not going to finish with you, he's*
        8. *going to continue doing this*. After several
        9. hours, I said, *Okay, no problem, I will honor*
        10. *what my dad did*.
        11. **Q.** So you, at that point, agreed to
        12. transfer the second piece?
        13. **A.** Yes. We had an agreement, we
        14. shook hands, everybody was happy, everybody was
        15. ecstatic that we were going to be finished with
        16. this guy.
        17. **Q.** And was that the end of the
        18. matter?
        19. **A.** No, it wasn't, because the
        20. following day Fathi Yusuf said, *There's no deal*.
        21. **Q.** And why did he say that?
        22. **A.** Well, he said, *If I find other*
        23. *things, I have to go back, and if I find*
        24. *anything else, there's no deal, the deal is over*
        25. *with.* And I believe from Mr. Hannun --
18. Mr. Hannun is actually the one who called me the
19. following day and said there's no deal, that
20. Fathi called him last night and told him there's
21. no deal if I find this and that, so, there's no
22. deal.
23. **Q.** And were there then more meetings
24. after that?
25. **A.** There was, subsequently, maybe
26. six weeks, two months down the road, towards the
27. end of the year.

|  |  |  |  |
| --- | --- | --- | --- |
| **11** |  | **Q.** | The meeting is around Christmas |
| **12** | time? |  |  |
| **13** |  | **A.** | Yes. |
| **14** |  | **Q.** | And again, and who would be |

1. present at those meetings?
2. **A.** Several people, several elders in
3. the community. Fathi always talks a lot. You
4. see, Fathi has a thing of just going and
5. hounding --
6. ATTORNEY PERRELL: Objection.
7. Nonresponsive.
8. THE COURT: Sustained. Answer
9. the question, please.

## BY ATTORNEY HOLT:

1. **Q.** Okay. So, there were more
   1. meetings and then more discussions about
   2. property?
   3. **A.** Yes. There was a meeting around
   4. Christmas, and we never made a deal.
   5. **Q.** So was there ever an agreement to
   6. transfer a second parcel to Mr. Yusuf?
   7. **A.** No.
   8. **Q.** And why wouldn't you transfer the
   9. second parcel to Mr. Yusuf?
   10. **A.** Because it was a never ending
   11. story. We had a deal. We had a deal in March,
   12. we had -- he shook hands with my dad, everything
   13. was done, and then this guy turns around and no
   14. deal. He didn't fulfill the deal.
   15. **Q.** And the same happened when you
   16. met with the elders?
   17. **A.** Yes. Once again and once again,
   18. he never sticks to the deal that he makes.
   19. **Q.** So in December of 2011 when you
   20. had the additional negotiations and no agreement
   21. was reached, was that the end of the
   22. discussions?
   23. **A.** That was basically the end.
   24. **Q.** And ultimately the parties ended
   25. up in litigation on these issues?
       1. **A.** Yes, that's when everything -- he
       2. started threatening us about taking everything
       3. that we have. You have to understand, there was
       4. over $40 million in the bank account between us,
       5. and Fathi wanted to take it. Fathi wanted to
       6. assume to take all that --
       7. ATTORNEY PERRELL: Objection.
       8. Nonresponsive.
       9. THE COURT: Just a minute. Just
       10. answer the question asked and don't volunteer
       11. anymore information.
       12. ATTORNEY HOLT: I think that was
       13. part of his answer, that they felt he would
       14. continue.
       15. THE WITNESS: He continued --
       16. THE COURT: Yes, but he started
       17. going into other monies that weren't part of the
       18. deal.
       19. ATTORNEY HOLT: Okay. And then,
       20. Your Honor, at this juncture, I have a couple
       21. more questions for the witness, but this is
       22. where it would be appropriate to take judicial
       23. notice of the discovery document where Mr. Yusuf
       24. said under oath that there were meetings that
       25. took place, that he just described in both

**1** September and December, and that there were no

1. agreements reached in those meetings.
2. ATTORNEY PERRELL: Objection,
3. Your Honor. That mischaracterizes the
4. agreement, as we will demonstrate agreement, as
5. to a global resolution is different than an
6. agreement as to this limited property.
7. ATTORNEY HOLT: Okay. But I am
8. only going to offer this document for my
9. evidence in this case to what I think happened.
10. THE COURT: Yes.
11. ATTORNEY PERRELL: I have no
12. objection to offering the document in. It
13. speaks for itself.

## BY ATTORNEY HOLT:

1. **Q.** All right. And then after
2. everything fell apart in 2011, there were
3. lawsuits then filed in 2012?
4. **A.** Yes, Sir.
5. **Q.** And the complaint was done the
6. end of the year?
7. **A.** That was done in September of

**23** 2012.

1. **Q.** And then can you tell me, just
2. looking at Exhibit No. 5, what that is?

### (Plaintiff's Exhibit No. 5 tendered.)

* 1. **A.** That is Plaza Extra, St. Thomas,
  2. the assets balance sheet.
  3. **Q.** And Plaza Extra, St. Thomas is
  4. the partnership store?
  5. **A.** Yes.
  6. **Q.** And what does that document show?
  7. **A.** Dated December 31, 2012, land,
  8. East Charlotte Amalie. It refers to the half
  9. acre lot for $330,000.
  10. **Q.** And it shows that the partnership
  11. owns that property as of that date in 2012?
  12. **A.** Yes.
  13. **Q.** And the subsequent partnership
  14. records, 2012, 2013, do they show the same
  15. thing?
  16. **A.** Yes.
  17. **Q.** So the property was carried on
  18. the corporate books -- excuse me, the
  19. partnership books up until this dispute arose?
  20. **A.** Yes.
  21. **Q.** And then looking at the second
  22. document, can you tell me what that is?

### (Plaintiff's Exhibit No. 6 tendered.)

* 1. **A.** That's United Corporation
     1. Shopping Center.
     2. **Q.** So that's the --
     3. **A.** December 31, 2012.
     4. **Q.** That's United Corporation's --
     5. **A.** Yes.
     6. **Q.** -- balance sheet as of the end of
     7. 2012, correct?
     8. **A.** Yes.
     9. **Q.** And does that show the half acre
     10. belonging to the corporation?
     11. **A.** No, Sir.
     12. **Q.** Okay. Now, who paid -- up until
     13. this proceeding was filed in 2014, who paid the
     14. real property taxes on the half acre?
     15. **A.** The partnership, Plaza Extra.
     16. **Q.** Where were the rents from the
     17. half acre deposited up until up 2014?
     18. **A.** In the Tutu Plaza Extra account.
     19. **Q.** And that's the partnership
     20. account?
     21. **A.** Yes.
     22. ATTORNEY HOLT: All right. That
     23. is all the questions I have at this time. And
     24. we would move into evidence 1, 2, 3, 4, 5 and 6.
     25. THE COURT: Any objection?

1. ATTORNEY PERRELL: The only
2. objection, Your Honor, is that I don't believe
3. that a proper foundation was laid for Exhibits 5
4. and 6, so those would be the objections to 5 and
5. 6, but no objections to 1 through 4.
6. ATTORNEY HOLT: Would you like me
7. to establish a foundation?
8. THE COURT: You may.

## BY ATTORNEY HOLT:

1. **Q.** Look at Exhibits No. 5 and 6. Do
2. you recognize what those records are?
3. **A.** Yes, they're balance sheets.
4. **Q.** And those are account sheets --
5. well, the records for the partnership, those are
6. records that you have access to in the normal
7. course of business?
8. **A.** Yes, Sir.
9. **Q.** And you would be familiar with
10. those records?
11. **A.** Yes.
12. **Q.** And the information that you
13. testified about regarding the deposit of rents
14. up until 2014 and the payment of taxes up to
15. 2014 by the partnership, can you tell me whether
16. or not that's information that you have
17. knowledge of?
18. **A.** Yes, I do.
19. ATTORNEY HOLT: Your Honor, we
20. will move 5 in, and we don't need to move 6 in.
21. ATTORNEY PERRELL: Same
22. objection, Your Honor. He's not necessarily --
23. the partnership really had not even been
24. established. He has no familiarity necessarily
25. that he's ever seen these documents before, and
26. it is also subject to a bi-monthly report that
27. had corrected certain issues relating to this
28. that was filed by the comptroller for the
29. partnership, John Gaffney, in this case. So I
30. would object that he's not laid the proper
31. foundation for these documents.
32. THE COURT: I will admit them and
33. give it whatever weight it deserves based on all
34. the evidence.
35. **(Plaintiff's Exhibit Nos. 1, 2,**
36. **3, 4, 5 and 6 admitted into**
37. **evidence.)**
38. ATTORNEY PERRELL: Thank you,
39. Your Honor.
40. ATTORNEY HOLT: Thank you.
41. THE COURT: You may cross.

**1** ATTORNEY PERRELL: Your Honor,

**2** may I remain seated or would you prefer --

1. THE COURT: You may.
2. ATTORNEY PERRELL: Thank you,
3. Your Honor. I appreciate that.

## CROSS-EXAMINATION

1. **BY ATTORNEY PERRELL:**
2. **Q.** Mr. Hamed, good afternoon. We've
3. met before. Good to see you again.
4. **A.** Good afternoon.
5. **Q.** I have a couple of questions
6. regarding the testimony that you have provided.
7. Let's, first of all, go back to the meeting that
8. occurred at the home of your father in 2010 or
9. '11. Do you recall that testimony?
10. **A.** Yes.
11. **Q.** Right. And at the time of that
12. meeting you indicated that two properties were
13. offered by your father to Mr. Yusuf for
14. Mr. Yusuf's claim that there had been
15. misappropriations, correct?
16. **A.** Yes.
17. **Q.** And those two properties were one
18. property in Jordan; is that correct?
19. **A.** Yes.
20. **Q.** And that one property in Jordan
21. was ultimately transferred, correct?
22. **A.** They had an agreement on it.
23. **Q.** Okay. That's the one that was
24. transferred. I'm just trying to clarify which
25. Jordan property you were talking about.
26. **A.** They had an agreement, yes.
27. **Q.** Okay. And the Jordan property
28. that was transferred that you were talking about
29. that day at the house is the Jordan property
30. that was the subject of Exhibit 4; is that
31. right?
32. **A.** Yes.
33. **Q.** The other piece of property that
34. your father was offering to Mr. Yusuf, wasn't
35. that the Tutu property that was both the half
36. acre and the 9.4 that you've identified?
37. **A.** Specifically, they were talking
38. about the Tutu property.
39. **Q.** Okay.
40. **A.** Whether it was both or one, it
41. was specifically the Tutu property.
42. **Q.** Okay. And so, was it common for
43. your family to refer to the Tutu property as the
44. 9.4 and the half acre together as one, because
45. they were together. Is that the way you
46. referred to them?
47. **A.** I would assume, but -- we
48. referred that is the nine and a half acres and
49. the half acre, specifically said, because when
50. Fathi requested -- let me correct that. My
51. father didn't offer. Fathi requested the two
52. pieces of property, and then Fathi refused the
53. two pieces of property and only take one.
54. **Q.** Okay.
55. THE COURT: Mr. Hamed, please
56. answer the question.

## BY ATTORNEY PERRELL:

1. **Q.** I'm just trying to identify.
2. We've already talked about the Jordan one was
3. the one. I'm trying to understand, what does
4. the other one include? The other one includes
5. what you understood was the Tutu property,
6. correct?
7. **A.** Yes, Ma'am.
8. **Q.** And do you know whether when the
9. request and the -- at least preliminary
10. agreement from your father to give that, whether
11. the intention was for it to be both the 9.4 and
12. the half acre together as one?
    1. **A.** I'm not too sure what the
    2. intention was, but I know it's the Tutu Park
    3. property, which we look at the larger, which is
    4. the nine and a half acres.
    5. **Q.** Okay. And isn't it true,
    6. however, that the half acre was purchased for
    7. the express purpose in providing access to the
    8. 9.4 acre, correct?
    9. **A.** Yes. Yes.
    10. **Q.** Right. And wasn't it also true
    11. that the half acre, really, the whole reason to
    12. have the half acre was so that you could rezone
    13. all the property because it would provide
    14. greater access and you could rezone it
    15. commercial?
    16. **A.** Yes, Ma'am.
    17. **Q.** Okay. So there would be no
    18. reason to ever separate those two properties at
    19. some point in the future if the parties were to
    20. ever sell them off, correct?
    21. **A.** I would assume not.
    22. **Q.** Okay. And so, it's your
    23. recollection, having been present at the home
    24. meeting, that your father agreed to do both the
    25. Jordan property and also what I'm going to call
13. the collective Tutu property, correct?
14. ATTORNEY HOLT: Object to the
15. form. First of all, he didn't testify he
16. agreed, he say he offered. They never reached
17. the agreement. So I object to the form.
18. And secondly -- I don't remember my
19. second objection. He's already testified he
20. doesn't know if the two were included. So her
21. question assumes that they were. She's assuming
22. facts not in evidence.
23. THE COURT: No, the witness is
24. testifying as to his recollection.
25. ATTORNEY HOLT: Okay.
26. THE COURT: I will listen to the
27. responses and analyze the question when they
28. tell me what the Court can find, reasonable and
29. credible testimony.
30. ATTORNEY PERRELL: Thank you,
31. Your Honor.

## BY ATTORNEY PERRELL:

1. **Q.** You can answer the question, but
2. I'm not going to be able to remember to repeat
3. it back.
4. So Miss Court Reporter, if you could
5. reread the question. Thank you.
   1. (Last question read back by the
   2. Court Reporter as follows:)
   3. *Question: Okay. And so, it's*
   4. *your recollection, having been present at*
   5. *the home meeting, that your father agreed*
   6. *to do both the Jordan property and also*
   7. *what I'm going to call the collective Tutu*
   8. *property, correct?*
   9. **A.** My recollection is Fathi Yusuf
   10. asked for two pieces of property, my father gave
   11. him two pieces of property. Fathi then, same 30
   12. seconds came back and said, *No, only one piece,*
   13. *I will accept one piece.*
   14. THE COURT: But the question is,
   15. Mr. Hamed, the second piece of property, what
   16. was that, based on your understanding?
   17. THE WITNESS: Yes.
   18. THE COURT: Was what?
   19. THE WITNESS: Was the Tutu Park
   20. property.
   21. THE COURT: And what was the Tutu
   22. Park property? What did it consist of?
   23. THE WITNESS: I really, really
   24. don't know if it's meant for those two pieces or
   25. just refer to it collectively as the Tutu Park
6. property. It wasn't specifically said half an
7. acre, nine and a half acres.

## BY ATTORNEY PERRELL:

1. **Q.** Okay. And my next question was,
2. did you ever have any reason for those two
3. properties, once they had both been acquired, to
4. ever separate them if you were to ever sell
5. them, for example?
6. **A.** I don't know what's going to
7. happen down the road. If something could
8. happen, maybe if somebody come in and want to
9. pay me big money for it, it's possible.
10. **Q.** Okay. Let me ask you this, is
11. the 9.4 acre property more valuable with the
12. also use of the half acre property?
13. **A.** I really -- if I tell you, I'm
14. assuming. I'm not sure. I mean, just because
15. of real estate, the market, how it will be used.
16. **Q.** Isn't it true, though, that the
17. whole reason for -- you testified earlier, the
18. whole reason for even acquiring that half acre
19. was because the half acre was going to provide
20. additional access for the 9.4, and that's
21. something that the Legislature was concerned
22. about when determining whether to properly
23. rezone it as commercial, correct?
24. **A.** That's true, but I can explain.
25. We had plans for that property. We had plans to
26. put a big store, to move out of the Tutu Park
27. store.
28. **Q.** Right. And you had to rezone the
29. 9.4 to do that?
30. **A.** Yes, Ma'am.
31. **Q.** And in the process of attempting
32. to rezone, wasn't an issue that was raised by
33. the Legislature the concerns about having the
34. entrance off of only the one road for the 9.4
35. and that it might be a traffic problem because
36. it has a blind curve and so forth?
37. **A.** Yes, Ma'am.
38. **Q.** Okay. And that was the specific
39. reason why the family went and purchased the
40. half acre, correct?
41. **A.** Yes.
42. **Q.** Okay. In other words, the family
43. wasn't looking to purchase the half acre for its
44. own benefit. It was looking to purchase the
45. half acre to be a benefit to the 9.4 already
46. owned?
47. ATTORNEY HOLT: I object to the
    1. form of that question, Your Honor.
    2. THE COURT: Yes. Strike "its own
    3. benefit."
    4. ATTORNEY PERRELL: Okay.

## BY ATTORNEY PERRELL:

* 1. **Q.** Just to clarify, what was the
  2. purpose of purchasing that half acre?
  3. **A.** It was for the purpose to really
  4. have access to the highway, like you stated
  5. before, for the nine and a half acres.
  6. **Q.** All right. So, I think we've
  7. clarified the properties. Let's talk about the
  8. scope of the arrangement. At that time,
  9. Mr. Yusuf had indicated to you -- or indicated
  10. to Mr. Hamed there were certain
  11. misappropriations that he claimed he had filed;
  12. is that accurate?
  13. **A.** Yes, he claimed, yes.
  14. **Q.** Right. And he had dollar values
  15. on those amounts, did he not?
  16. **A.** I'm sorry?
  17. **Q.** He had a dollar value on those
  18. amounts, correct?
  19. **A.** That was always changing.
  20. **Q.** Okay. But he had certain
      1. dollars, like a $2 million and maybe a 1.4 as
      2. well, correct?
      3. **A.** Yes, Ma'am.
      4. **Q.** And so, do you recall Mr. Yusuf
      5. ever saying, these two properties, when he was
      6. asking for them, these two properties for what I
      7. have discovered so far?
      8. **A.** Absolutely not.
      9. **Q.** Okay.
      10. **A.** We shook hands -- you're going to
      11. stop me, Judge?
      12. **Q.** You don't recall him saying that;
      13. is that correct?
      14. **A.** He did not say that.
      15. **Q.** Okay. So, a couple of hours
      16. later Mr. Yusuf goes back to the store, correct?
      17. **A.** I won't say a couple hours,
      18. probably later on.
      19. **Q.** I'm sorry?
      20. **A.** Later on.
      21. **Q.** Okay. Within the same day; is
      22. that fair?
      23. **A.** Yes, Ma'am.
      24. **Q.** Okay. So within the same day
      25. Mr. Yusuf goes back to the store and then he has

1. a conversation with you later that same day,
2. correct?
3. **A.** Later in the evening, yes.
4. **Q.** Okay. Were you at the store for
5. this?
6. **A.** Yes.
7. **Q.** Okay. And isn't it true that
8. Mr. Yusuf says, *I have checked on something, I*
9. *have found something else. I don't want the one*
10. *property, just the Jordan property, I now want*
11. *the two properties that we've already discussed?*
12. **A.** My recollection wasn't as your
13. recollection or your statement because he didn't
14. say, *I thought about it* or *I found this*, right.
15. It wasn't anything like that. He changed his
16. mind --
17. **Q.** Okay.
18. **A.** -- after he made a deal and shook
19. hands with my dad to finish this. The purpose
20. of that meeting is to finish everything. We
21. decided on selling the store, everybody splits,
22. and everybody goes his way.
23. **Q.** Okay.
24. **A.** My father was buying peace. My
25. father didn't admit that he did anything. My
26. father was finding peace with Fathi because of
27. what he was saying and doing all the time. You
28. have to understand, Fathi was threatening us
29. that we had nothing in our name and he's going
30. to take everything.
31. **Q.** Okay.
32. **A.** So my father in his position
33. said, what am I to do? Let me buy peace with
34. this guy.
35. **Q.** Let me back up. During the
36. course of the meeting at the house, is it your
37. testimony that, in fact, you all had reached --
38. that Mr. Hamed and Mr. Yusuf had reached an
39. agreement for a full and complete resolution of

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **15** | all | of | their | partnership dealings? |  |
| **16** |  |  | **A.** | Yes. |
| **17** |  |  | **Q.** | At the house that day? |
| **18** |  |  | **A.** | Yes. |
| **19** |  |  | **Q.** | All right. And the parameters | of |
| **20** | this, | | was there ever an effort to go ahead and | | |
| **21** | start | | selling the stores? | | |
| **22** |  | | **A.** Fathi was going to sell all that | | |
| **23** | stuff. | | We were supposed to sell all that out. | | |
| **24** |  | | **Q.** But that never happened, did it? | | |
| **25** |  | | **A.** He had all the chance to do it. | | |

* 1. **Q.** Okay. But you didn't inquire of
  2. Mr. Yusuf, why are we not selling the stores?
  3. Why are we not moving forward with the entire
  4. deal? Did you ever ask him that?
  5. **A.** Fathi was making the deal. Fathi
  6. made the deal and he reneged on the deal. Fathi
  7. didn't follow through. Remember, you know,
  8. Fathi is the one always in charge. We have to
  9. follow what Fathi says. And you telling me now
  10. I'm supposed to do anything? No, no, no,
  11. something is wrong here.
  12. **Q.** Okay. I'd ask you to just answer
  13. the question.
  14. **A.** I'm sorry.
  15. **Q.** So the question I had is that,
  16. that afternoon or later that same day, Mr. Yusuf
  17. indicates that one property will not be
  18. sufficient, that he wants to go back to the
  19. conversations you had earlier that day for the
  20. two properties; isn't that correct?
  21. **A.** Fathi accepted the one property,
  22. he said, *That is enough. You honored me, you*
  23. *respected me, I am only gonna take one. And*
  24. *from there on, we're gonna finish with each*
  25. *other, we're gonna sell the stores, and*

1. *everybody goes their separate ways.*
2. **Q.** Okay.
3. **A.** Later on Fathi came back and
4. said, *I thought about it and your father offered*
5. *me the two, I want the second one. Tell your*
6. *father that.*
7. **Q.** Okay. Tell your father that?
8. **A.** Yeah.
9. **Q.** And when he said that, you
10. understood that to be, based on the
11. conversation, that was the same properties that
12. you talked about earlier that day; is that
13. correct?

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **14** |  | **A.** | Yes. |  |
| **15** |  | **Q.** | Okay. | And he asked you to convey |
| **16** | that | message | to your | father, correct? |
| **17** |  | **A.** | Yes. |  |
| **18** |  | **Q.** | Okay. | And at that point in time, |
| **19** | you are not | | negotiating, correct, on behalf of | |
| **20** | Hamed, your | | father? | |
| **21** | **A.** | | No. No. | |
| **22** | **Q.** | | You're just his agent, you're | |
| **23** | just running | | the message back; is that right? | |
| **24** | **A.** | | Yes, Ma'am. | |
| **25** | **Q.** | | Okay. And so, did you, in fact, | |

1. convey the message that Mr. Yusuf had to your
2. father either that day or shortly thereafter?
3. **A.** Yes, I did.
4. **Q.** And your testimony earlier is
5. that he had no response?
6. **A.** If I remember correctly, he had
7. no response.
8. **Q.** Okay. Do you recall your earlier
9. deposition testimony in this matter given in

**10** January of 2020? Do you recall that you gave a

**11** deposition in this case about these issues in

**12** 2020?

1. **A.** I guess so, but I'm not sure what
2. documents are you referring to.
3. **Q.** Okay. I'd like to ask for you to
4. look at Exhibit 6.

### (Defendant's Exhibit No. 6 tendered.)

1. I'd like you to look at the first boxed
2. bracket beginning at line 4 through 16. I'm
3. sorry, page 158, lines 4 through 16.

**21 A.** 158?

1. **Q.** Yes.
2. **A.** Yes.
3. **Q.** Isn't it true that I asked you
4. the question, at line 10: *So did Mr. Yusuf say*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **1** | *to* | *go* | *back and talk to your father about that?* | | | |
| **2** |  |  | Do you see that question? | | | |
| **3** |  |  | **A.** Yes. | | | |
| **4** |  |  | **Q.** And your answer was: *He told me* | | | |
| **5** | *to* | *go* | *back and tell him.* | | | |
| **6** |  |  | Is that accurate? | | | |
| **7** |  |  | **A.** Yes. | | | |
| **8** |  | | | **Q.** | That's | what you testified today, |
| **9** | right? | | |  |  |  |
| **10** |  | | | And | then my | question was: *And did you* |
| **11** | *do that?* | | |  |  |  |
| **12** |  | | | And | you see | your answer: *Yeah, I told* |

1. *him.* Correct?
2. **A.** Yes.
3. **Q.** All right. And then my next
4. question was: *Okay. And what did your father*
5. *say?*
6. And your answer was: *He said, Okay.*
7. **A.** Yes.
8. **Q.** All right. So today you're
9. saying he had no response, but in 2020 you said
10. his answer was, *Okay*.
11. **A.** Thank you for clearing me up. I
12. mean, it's been a while, it's been a lot of
13. things going on, and if I reference to *Okay*, I
14. said *Okay* at that time for whatever the context
15. of it. For me, I think the context of it today
16. is -- my understanding is if my father agree to
17. it. My thing is, I told my dad. I told Fathi
18. that my father said, *Okay*.
19. **Q.** Did he say, *Okay* --
20. **A.** Did he respond, Okay, he can have
21. it? Okay, it's his? Or, Okay, we agree to the
22. agreement? Nothing happen like that I remember.
23. All I remember is, yes, I did tell my dad, and
24. my dad said, *Okay*.
25. **Q.** And your dad said, *Okay,* meaning
26. that he agreed?
27. **A.** I don't know what he meant, but
28. that's what my understanding is. I don't know
29. what my dad meant.
30. **Q.** So when you asked your father,
31. you don't know what he meant?
32. **A.** He said, *Okay*. He said --
33. **Q.** Okay.
34. **A.** -- whether he meant it's okay,
35. it's okay I refer to whatever Fathi wants or
36. what I give Fathi, whatever. My thing is, he
37. didn't give me a response, okay, go with it,
38. that's fine.
    1. **Q.** Okay. Your early testimony was
    2. that he said, *Okay,* now your testimony today is
    3. that he did not respond, but he did respond and
    4. he said, *Okay*; isn't that accurate?
    5. **A.** Well, I stand corrected. He
    6. said, *Okay*.
    7. **Q.** All right. So, did you come back
    8. and have a subsequent conversation with
    9. Mr. Yusuf?
    10. **A.** I don't recall if I did or not.
    11. **Q.** Okay.
    12. **A.** We've always talked about --
    13. **Q.** So just to refocus, after you had
    14. this conversation with your dad, did you have a
    15. conversation shortly thereafter with Mr. Yusuf
    16. where Mr. Yusuf asked you, *What did your father*
    17. *said --* oh no, he asked you, *Did you talk to*
    18. *your father?*
    19. **A.** I probably did, yes.
    20. **Q.** Okay. And did you tell Mr. Yusuf
    21. that your father said, *Yes*?
    22. **A.** I'm not sure if I said, *Yes,* or I
    23. said, *Okay*, but I'm pretty sure he said
    24. something.
    25. **Q.** Okay. And at that point, did
        1. Mr. Yusuf follow up with any further questions
        2. of you?
        3. **A.** I don't recall exactly.
        4. **Q.** Okay. So, you never told
        5. Mr. Yusuf that your father said, *No*; isn't that
        6. correct?
        7. **A.** I don't -- no, I don't remember
        8. my dad saying, *No*.
        9. **Q.** Okay. All right. And you're not
        10. aware of your father ever saying to Mr. Yusuf,
        11. *No*?
        12. **A.** I don't recall that, no.
        13. **Q.** Okay. And so, when they traveled
        14. to Jordan and the Jordan property was
        15. transferred, you're not aware of anyone
        16. indicating that, no, they were only going to
        17. transfer the Jordan property and that was it?
        18. Are you aware of anybody having that
        19. conversation with Mr. Yusuf in Jordan?
        20. **A.** I wasn't there, so I don't know.
        21. **Q.** Okay. A couple months after
        22. Jordan when Mr. Yusuf returns, he comes to you,
        23. and he says, *Okay, when are we going to start*
        24. *transferring the 9.3 -- the 9.4 property*; isn't
        25. that correct?
            1. **A.** When Fathi came, from my
            2. recollection, he came with new accusations.
            3. After Fathi came back from Jordan, he started
            4. with new accusations, *Well, you need to give me*
            5. *more property because I found more things.* And
            6. I said, *Wait a minute, didn't we have an*
            7. *agreement? Didn't you have an agreement with my*
            8. *dad? And then all of a sudden you want more*
            9. *property? I thought we were done.*
            10. **Q.** Right. And the agreement was to
            11. transfer both the Jordan property and the Tutu
            12. property, correct?
            13. **A.** Yes, Ma'am.
            14. **Q.** Okay. And when you say the Tutu
            15. property, it's the collective Tutu property,
            16. correct?
            17. **A.** Well, the assumption is, but we
            18. refer to it as Tutu Park property.
            19. **Q.** And isn't it true that the half
            20. acre of the Tutu property was already in
            21. United's name at the time that all of these
            22. discussions were taking place?
            23. **A.** I'm not quite sure, but possibly.
            24. **Q.** Okay. You know the 9.4, though,
            25. was in the name of Plessen, correct?
                1. **A.** Yes, Ma'am.
                2. **Q.** Okay. Now, isn't it true that
                3. the parties never ultimately came to a
                4. resolution about any third property, correct?
                5. **A.** There was no resolution for the
                6. second or the third or the fourth or the fifth
                7. because Fathi never agreed to the first one.
                8. When we came back and we sat down again, I
                9. believe in either September or October of that
                10. same year, Fathi came back from Jordan, they
                11. forced me to honor the agreement that he had
                12. with my dad, and I was forced to go ahead and
                13. honor that at the end of the night because of
                14. the pressure they put on me --
                15. **Q.** Right.
                16. **A.** -- so we could be done because we
                17. had an agreement earlier in the year. Fathi
                18. started accusing us of some other stuff. We
                19. thought we had an agreement, we're done, we're
                20. gonna finish with each other, but Fathi had
                21. other ideas. Fathi was just trying to nibble,
                22. nibble, nibble so he can take as much as he can.
                23. So we never had an agreement to begin with.
                24. Why would these people force me in

**25** September to agree on an agreement that we had

if Fathi had honored the agreement in March?

Why would they come back and say you have to

give him what your father offered in March if we

had an agreement?

**Q.** Okay. Let me ask you this, with

regard to the -- with regard to a third

property, there was never an agreement -- you

never agreed -- at this point you're

negotiating, right, after Jordan and so forth

because your father is ill, you never agreed, on

behalf of Hamed, to do any kind of a third

property transfer, correct?

**A.** We never transferred the second,

third, fourth. We never agreed. All those were

discussions.

**Q.** All right. Let me ask you this,

what was the third property that was part of the

discussions that you all were having?

**A.** Fathi, he was shooting left and

right with different properties. I mean, he was

telling us about some other property in Jordan,

he was telling us about some other property in

St. Croix. And it was just like we just went

around in circles with him, and we thought we

had an agreement, we were finished, but he

1. didn't finish with us. We didn't finish with
2. him because we never had an agreement. He
3. reneged on the agreement that we had in March.
4. So, therefore, he goes back and forth,
5. back and forth with more accusations, soiling
6. our name all over the place, accusing us of
7. stuff. *Oh, give me more property, give me more*
8. *property, give me more property and I'll finish*
9. *with you guys, and I'll finish with you guys.*
10. *I'll take everything away from you because you*
11. *have nothing in your name, everything is in our*
12. *name*.
13. **Q.** Okay. So, what I'm -- the one
14. question, I apologize if this has been, perhaps,
15. asked and answered. I mean, I wasn't clear on
16. the answer. With regard to a third property,
17. you've already identified one and two, the
18. Jordan property that did get transfer, the
19. second property is the Tutu collective property.
20. I'm asking you about a third property that
21. Mr. Yusuf was inquiring about. That third
22. property, was it a property in Amman, Jordan?
23. Do you know?
24. ATTORNEY HOLT: Just for the
25. record, I want to object to her definition of
26. collective property because he didn't agree with
27. it. Otherwise, other than, she can ask the
28. question. She's imposing her definition on him,
29. and he did not acknowledge.
30. THE COURT: I understand this
31. question and I understand your objection. You

**7** may answer.

1. THE WITNESS: I don't remember.
2. I don't recall exactly which properties. There
3. were several properties, we were going back and
4. forth. I don't remember which one.

## BY ATTORNEY PERRELL:

1. **Q.** All right. So, was there an
2. attempt between all of you, you and Mr. Yusuf
3. with the benefit of some of the elders in the
4. community, your community, to try to reach a
5. global resolution of all of the partnership
6. dealings between the parties, separate and apart
7. from the transfer of the Jordan property and the
8. issue with the Tutu property?
9. **A.** There was no separate
10. negotiations. We had a deal to begin with in
11. March, everybody knew that, everybody and Fathi
12. -- see, Fathi has a way of communicating. He
13. spends a lot of time with these so-called elders
14. or elders in our community, he spends a lot of
15. time with them, and he just gives them the
16. narrative that they want -- he wants them to
17. hear, always twisting things around.
18. We had a deal, him and my father shook
19. hands in March, he reneged on the deal, never
20. followed through, and he tried again in

**8** September and I believe in October again, back

1. then, and then ultimately in December tried
2. again to go back to the deal that my father
3. offered and agreed upon in March. He never
4. fulfilled it.
5. **Q.** Okay. How is it that Mr. Yusuf
6. didn't fulfill the two-property deal?
7. **A.** He still negotiating for more and
8. more. If we had a deal, don't you think he
9. would make sure that we transferred the Tutu
10. Park property?
11. **Q.** Isn't it true, though, that
12. Mr. Yusuf asked you to go ahead and transfer the

**21** 9 --

1. **A.** Right. And you know why?
2. Because he wanted more. He wanted more. It
3. wasn't enough for him. He wanted more. He came
4. back and he wanted more. We had a deal, but he
5. still went ahead, as soon as he came back, he
6. continued soiling our name, he still continued
7. accusing us of doing things. The agreement was,
8. we're done, we're finished. Stop all the stuff
9. that you're saying. My father bought peace for
10. giving him that deal, not to agree that he did
11. anything. My father bought peace. Fathi did
12. not order -- he didn't offer -- what you call
13. it? He didn't --
14. **Q.** Let me go back to -- you had
15. stated earlier that the elders forced you to
16. agree to, and you did agree to the two-property
17. deal, which was the Jordan property already been
18. transferred and the Tutu property, correct?
19. **A.** Yes, but Fathi is the one who
20. always going after me, saying, hey, get him, get
21. him. Fathi is the one who is always requesting
22. that, come. They always call me. I didn't go
23. to them.
24. **Q.** All right. During these
25. meetings, was the individual, Mohammad Hannun,
26. present?
27. **A.** In one or two meetings. There
28. were several meetings.
29. **Q.** And what about -- and who is
    1. Mohammad Hannun?
    2. **A.** He is my uncle.
    3. **Q.** How is he your uncle?
    4. **A.** My mother's brother.
    5. **Q.** And how is he related to
    6. Mr. Yusuf?
    7. **A.** He is his brother-in-law.
    8. **Q.** Okay. And was a Mr. Suleiman
    9. Khaled there at some or one of these meetings?
    10. **A.** One of them, yes.
    11. **Q.** Okay. And who is he?
    12. **A.** He's Fathi's nephew.
    13. **Q.** Okay. Do you bear any relation
    14. to him, blood relation?
    15. **A.** No, just a cousin, a distant
    16. cousin.
    17. **Q.** Okay. And who is -- well, let me
    18. ask you this. Was Bakir Hussein also present at
    19. some or any of those meetings?
    20. **A.** Yes, he was.
    21. **Q.** And what relation is he to you?
    22. **A.** There's no blood relation. He's
    23. Fathi's best friend and tenant.
    24. **Q.** Okay. All right. And do you
    25. have a close relationship with any of those
30. three that you just mentioned?
31. **A.** I know them. I am not what you
32. call close. One of them is blood relative,
33. which is my uncle. The other one is Fathi's
34. nephew, my distant cousin. And the other one,
35. Bakir Hussein, is Fathi's best friend and
36. tenant.
37. **Q.** Okay. And isn't it true that
38. Mr. Hussein is -- well, let me ask you this. Do
39. you have any reason to believe that the
40. testimony they provided in their affidavit is
41. not accurate?
42. **A.** I don't know. I really don't
43. know. The testimony is that's what Fathi's
44. lawyers or whoever was giving to Fathi's
45. lawyers, that's what he did.
46. ATTORNEY PERRELL: Okay.
47. Your Honor, we don't have any further
48. questions.
49. ATTORNEY HOLT: Just a few.

## REDIRECT EXAMINATION

1. **BY ATTORNEY HOLT:**
2. **Q.** A little family here. Mr. Hannun
3. is brother to your father's wife and he's also
4. brother to Fathi's wife?
   1. **A.** He's brother to Fathi's wife and
   2. my mother, yes.
   3. **Q.** Okay. He was the brother-in-law
   4. of your father and Fathi?
   5. **A.** Both of them, yes.
   6. **Q.** Coming back to the questions
   7. about discussions, you were asked specifically
   8. about your deposition testimony where you were
   9. asked to go back and talk to your father and you
   10. did talk to your father, okay?
   11. **A.** Yes.
   12. **Q.** Now, if you could just read on on
   13. the next page that continues, the box continues,
   14. on page 160. You'll see the box there,
   15. beginning on line 8. It talks about the
   16. discussions.
   17. **A.** Eight?
   18. **Q.** Page 169 [sic], line 8.

**19 A.** 169 [sic]?

1. **Q.** Yes, the second page of Exhibit
2. Number -- are you in Exhibit F?
3. **A.** I'm sorry, I don't know.
4. **Q.** Switch back to the first page,
5. let's start all over again.
6. ATTORNEY HOLT: Your Honor, may I

**1** approach?

# 2

THE COURT: Yes, you may.

1. Exhibit F is under the tab six.
2. ATTORNEY PERRELL: Which page is
3. that?
4. ATTORNEY HOLT: 160.

## BY ATTORNEY HOLT:

1. **Q.** At the bottom of the page, and it
2. says: *Earlier in the day, your father had gone*
3. *ahead.* You see there it says: *Okay. So when*
4. *you saw Mr. Yusuf, I assume you saw him the next*
5. *day.* And you say you're not sure. *When you saw*
6. *Mr. Yusuf* -- this is the bottom of the page --
7. *did you report to him that you had, in fact,*
8. *conveyed what he asked you to?*
9. ATTORNEY PERRELL: Objection,
10. Your Honor. He's simply reading from the
11. deposition testimony. It's not a proper
12. question.

## BY ATTORNEY HOLT:

1. **Q.** Do you remember what you told
2. Mr. Yusuf? Did you tell him anything?
3. ATTORNEY PERRELL: He can't --
4. objection, Your Honor.
5. **A.** I don't recall right now.
6. **Q.** To refresh your recollection like
7. she did, could you just look at your deposition
8. testimony. And what did you say back in 2020
9. about what you told Mr. Yusuf?
10. **A.** *He asked me, I said, Yes*.
11. **Q.** And did you tell Mr. Yusuf what
12. your father said?
13. **A.** I said, *My father does not agree.*
14. **Q.** You didn't tell him anything,
15. correct?
16. **A.** I didn't tell my father -- I'm
17. just reading from it. I don't recall exactly
18. what, but I didn't tell him my father agreed or
19. disagreed. I didn't tell him either. I said, *I*
20. *told him of it*.
21. **Q.** Okay. So, when you can't
22. remember the day back when you were deposed,
23. your recollection was that you did not tell
24. Mr. Yusuf what your father said to you; correct?
25. **A.** I'm sorry, I don't understand the
26. question.
27. **Q.** When you gave your deposition
28. back in 2020, you were asked, *What did you tell*
29. *Mr. Yusuf about what your father said?* You
30. testified that you didn't tell him anything.
31. You didn't tell Mr. Yusuf anything, correct?
32. **A.** That's correct.
33. **Q.** And continuing on the next page,
34. isn't that the same testimony? *He asked me if I*
35. *told him, and I said, Yes, I told him*.
36. **A.** Yes.
37. **Q.** And you never provided him any
38. further information about what your father said?
39. **A.** I'm sorry, repeat please?
40. **Q.** You never provided him any
41. information about what your father said one way
42. or the other, did you?
43. **A.** No, I didn't.
44. **Q.** Okay. Now, when you were at the
45. first meeting, and you've already gone over the
46. conversation about your father was asked for
47. two, was offered two, and Yusuf accepted one and
48. they shook hands. It was your understanding
49. that that was to take care of all of the
50. accusations between the parties, and then from
51. there on go forward and divide up the
52. property --
53. ATTORNEY PERRELL: Objection,
54. Your Honor. Leading.
55. THE COURT: I'll permit it.
    1. What was your understanding?
    2. THE WITNESS: My understanding,
    3. like I stated before when she asked me that,
    4. everything was a done deal. We were going to go
    5. ahead and stop the accusations, stop the soiling
    6. our name all over the place, we're gonna sell
    7. the stores, split everything that we have and
    8. everyone goes their merry way.

## BY ATTORNEY HOLT:

* 1. **Q.** And did the accusations stop?
  2. **A.** No, they didn't.
  3. **Q.** Did the amounts that Mr. Yusuf
  4. claim stay the same, decrease, or increase?
  5. **A.** He was going all over the place.
  6. **Q.** Did he ask for more?
  7. **A.** Yes, he did.
  8. **Q.** And so, you were asked, why
  9. didn't you go ahead and separate the partnership
  10. at that point? And my question is, could you
  11. separate the partnership until you had these
  12. claims resolved?
  13. **A.** No, I don't think so.
  14. **Q.** Okay. And so, until this issue
  15. was resolved you couldn't proceed with the
  16. dissolution, correct?
      1. **A.** We couldn't do it, and Fathi was
      2. in control of that. Fathi had his hands around
      3. our neck.
      4. **Q.** Okay. And so, until it was
      5. resolved about this dispute on who owed who
      6. money, you couldn't dissolve the partnership,
      7. correct?
      8. **A.** That's correct.
      9. **Q.** Now, if in fact -- you were asked
      10. about whether the two properties were treated as
      11. being part of the same piece, the half acre and
      12. the 9.5 acres. First of all, isn't it true that
      13. they're in different names, one is owned by a
      14. corporation and one is owned by the partnership?
      15. **A.** Yes. One is Plessen and one is
      16. United.
      17. **Q.** And the corporation is not just
      18. Fathi and your father, it's other people;
      19. correct?
      20. **A.** Yes.
      21. **Q.** If the Court finds that the half
      22. acre belongs to Fathi, then you've actually
      23. separated the two ownerships, correct?
      24. **A.** Yes.
      25. **Q.** Because the 9.5 acre belongs to

|  |  |  |
| --- | --- | --- |
| **1** | Plessen, it's | not part of these proceedings; is |
| **2** | it? |  |
| **3** | **A.** | That's correct. |
| **4** | **Q.** | Now, coming back to Mr. Hannun, |
| **5** | you indicated | that he was present at the meeting |

* + - 1. when the elders were there and you, just based
      2. upon what you perceive pressure, you agreed to
      3. go ahead and transfer the two properties,
      4. whatever they may be, correct?
      5. **A.** Yes, to go back to the same
      6. agreement he had with my dad.
      7. **Q.** But before anything could be
      8. done, it's your understanding that Mr. Yusuf
      9. said *No* to that deal as well, correct?
      10. **A.** That is correct, yes, he did.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **16** |  | **Q.** | And why | did he say | *No* to | that |
| **17** | deal? |  |  |  |  |  |
| **18** |  | **A.** | Because | he said -- | Fathi | said, |

1. oh, I wasn't in my right mind or I wasn't
2. present or you guys did something to me, or
3. whatever, some kind of thing that came up. And
4. that's all I got the following day, hey, no
5. deal.
6. **Q.** And that's because he wanted more
7. properties?
   1. **A.** Yes, he did.
   2. **Q.** And from your perspective, to
   3. give him the two properties would be to end
   4. everything, and if you couldn't end everything,
   5. there was no purpose for the deal anyway?
   6. **A.** My dad had an agreement with
   7. Fathi to end all things back in March, that's
   8. the agreement, that's what we all agreed on, and
   9. Fathi ended up saying, *I want more, I want more,*
   10. *I want more*, and there was no deal.
   11. **Q.** And even after your father and
   12. Fathi shook hands, did Fathi continue to look at
   13. paperwork and decide that more money had been
   14. taken?
   15. **A.** I assume, yes.
   16. **Q.** And he didn't turn around and say
   17. let's get this done and just finalize this deal?
   18. **A.** No.
   19. **Q.** And there was never a settlement
   20. agreement signed?
   21. **A.** There was none.
   22. **Q.** There was never a deed signed?
   23. **A.** None.
   24. ATTORNEY PERRELL: Objection.
   25. There was a deed signed. Misstates the
8. evidence.

## BY ATTORNEY HOLT:

1. **Q.** Was there ever a deed signed for
2. the Plessen property in St. Thomas?
3. **A.** No, Sir.
4. **Q.** Was there ever a deed signed for
5. the half acre parcel in St. Thomas?
6. **A.** No, Sir.
7. ATTORNEY HOLT: Nothing further.
8. ATTORNEY PERRELL: I have no
9. further questions, Your Honor.
10. THE COURT: Thank you very much,
11. Mr. Hamed. You may be excused.
12. ATTORNEY HOLT: So my next
13. witness -- I'm checking with my co-counsel.
14. Next, Your Honor, what we would just
15. like to do is offer into evidence the Hannun
16. declaration and, in particular, we would just
17. like to read into the record -- you have the
18. whole declaration in front of you -- paragraph
19. 19, and this declaration talks about leading up
20. to this meeting.

### (Plaintiff's Exhibit No. 7.)

1. And 19 says:
2. *We called Waleed after Mr. Yusuf had*
   1. *agreed to settle the dispute for the two*
   2. *properties for what he had discovered, we*
   3. *called Waleed who came in and we told him*
   4. *of the agreement and we shook hands, and*
   5. *everyone left. Later that night, before 24*
   6. *hours past, Mr. Yusuf called and asked, if*
   7. *I find anything else, can he ask for it,*
   8. *and I said no the agreement covers*
   9. *everything, even what he doesn't know about*
   10. *right now, and Mr. Yusuf said no, that the*
   11. *agreement was for what he knew now, not for*
   12. *anything else he finds. Then there was no*
   13. *agreement.*
   14. ATTORNEY PERRELL: Objection. It
   15. misstates. *There was no more agreement.* He
   16. misread the record.
   17. ATTORNEY HOLT: *There was no more*
   18. *agreement.*
   19. And we'd offer into evidence the
   20. interrogatory responses that were attached to
   21. the first request for admission where Mr. Yusuf
   22. also indicates there was no agreement.

### (Plaintiff's Exhibit No. 9.)

* 1. ATTORNEY PERRELL: Objection. I
  2. believe --

# 1

**2**

**3** record?

# 4

**5** record.

# 6

**7**

**8** witnesses?

# 9

THE COURT: Excuse me a minute. ATTORNEY HOLT: We're off the

THE COURT: Yes, I'm off the

### (Off the record.)

THE COURT: Do you have anymore

ATTORNEY HOLT: I'm just going to

1. offer into evidence the deposition excerpt, I
2. think we already stipulated to.

### (Plaintiff's Exhibit No. 8.)

1. ATTORNEY PERRELL: No objection
2. to that, Your Honor.
3. THE COURT: Okay.
4. ATTORNEY HOLT: Exhibit No. 8.
5. THE COURT: Seven and eight by
6. stipulation.
7. **(Plaintiff's Exhibit Nos. 7 and 8**
8. **admitted into evidence by**
9. **stipulation.)**
10. ATTORNEY PERRELL: Is that it?
11. ATTORNEY HOLT: No, Your Honor.
12. We'd offer into evidence Exhibit No. 8, which is
13. the deposition testimony where Mr. Yusuf
14. indicated that he deposited the rent receipts
15. into the store account up until the point
16. towards the end of the partnership when
17. Mr. Yusuf told him not anymore. It speaks for
18. itself. We offer that into evidence.
19. ATTORNEY PERRELL: No objection
20. to offering those deposition excerpts into
21. evidence, Your Honor.
22. ATTORNEY HOLT: We rest.
23. THE COURT: All right.
24. ATTORNEY PERRELL: Your Honor,
25. just housekeeping. I meant to move the
26. deposition excerpt of Mr. Waleed Hamed that were
27. referenced in Exhibit 6 into evidence as well.
28. THE COURT: The testimony is in.
29. ATTORNEY HOLT: Let me mention
30. this, you called it six, but the document says
31. F.
32. THE COURT: She's using tab six
33. of Exhibit F.
34. ATTORNEY PERRELL: Yes.
35. ATTORNEY HOLT: And we would ask
36. that all of it come in, all of the exhibit under
37. F.
38. THE COURT: It's in the record.
39. ATTORNEY PERRELL: That's fine,
40. Your Honor. I'm just trying to make sure we got
41. everything and we can use it at some later

|  |  |  |  |
| --- | --- | --- | --- |
| **4** | point. | Six | is in, the entire deposition. |
| **5** |  |  | **(Defendant's Exhibit No. 6 is** |
| **6** |  |  | **admitted into evidence.)** |
| **7** |  |  | THE COURT: Okay. |

1. ATTORNEY PERRELL: Okay.
2. Mr. Yusuf, do you mind?
3. ATTORNEY HOLT: Your Honor, I
4. think it goes without saying the same with
5. Exhibit 7, the Hannun affidavit as well.
6. THE COURT: Yes, as stipulated.
7. Please raise your right hand.
8. **FATHI YUSUF,**

### after having been first duly sworn, testified as

1. **follows:**
2. THE COURT: You may be seated.
3. THE WITNESS: Thank you.
4. THE COURT: You may proceed.

## DIRECT EXAMINATION

1. **BY ATTORNEY PERRELL:**
2. **Q.** Good morning. Good afternoon,
3. Mr. Yusuf.
4. **A.** Good morning. Good afternoon.
5. **Q.** All right. Let me ask you this,
6. in 2011, did you have a meeting between
7. yourself, Mohammad Hamed, in which Waleed was
8. present at Mohammad Hamed's home?
9. **A.** At Mohammed Hamed? Yes. Yes.
10. **Q.** Would it be easier for you to
11. understand me if I took my mask off?
12. **A.** It's okay to take it?
13. THE COURT: You may.
14. **Q.** May I? I think it's harder for
15. him to hear me.
16. **A.** Yes.
17. **Q.** Is that better, Mr. Yusuf?
18. **A.** Much better.
19. **Q.** Okay. Thank you.
20. **A.** I hope so.
21. **Q.** So let me ask the question again.
22. Do you recall a meeting between yourself,
23. Mohammad Hamed in which Waleed Yusuf [sic] was
24. present in 2011 at Mohammed Hamed's home?
25. **A.** Yes, I recall we had a meeting
26. between myself, Mr. Mohammad Hamed, and his son,
27. Waleed.
28. **Q.** The Judge has already made some
29. findings on this, so we don't have to completely
30. revisit the whole thing, but can you tell us, to
31. your recollection, what happened and what was
32. discussed at that meeting?
33. **A.** Well, what I find at that time,
34. it was $2 million went to Jordan, and a million
35. four was transferred to Plessen Enterprise.
36. Plessen was newly established, had no license,
37. and then Wally told me we receive one million
38. four from St. Martin, and I say put it to
39. Plessen. And then he called me five minutes
40. later in St. Thomas and he said the bank will
41. not allow us to proceed with Plessen. I said,
42. well, put it in United, and I call it that. I
43. never check.
44. When I see that, it remind me we
45. receive the one million four. I went through
46. all the deposits for United, all the deposits
47. for Plessen, it was not any deposit for the one
48. million four, it been transferred from
49. St. Martin to St. Thomas -- to St. Croix.
50. **Q.** Okay.
51. **A.** So when I went to Mr. Mohammed
52. Hamed, and his son was present, I ask him for
53. two particular items that I find; a $2 million
54. from bank document, and the one million four it
55. remind me came in, but I never -- I was trusting
56. Mohammad so much that I never went through it
57. until I find out the man is a big thief.
58. **Q.** Mr. Yusuf, so what did you -- did
59. you discuss how to resolve those issues that you
60. found?
61. **A.** Nothing else, just these two
62. items. Just these two items. How can I settle
63. in a business, an operation of roughly over
64. $30 million of money, and I was in St. Thomas
65. for 20 years, multiply 20 years by 30 million,
66. it add up to hundreds of millions, and all my --
67. I trust Wally. If I didn't trust Wally --
68. ATTORNEY HOLT: Your Honor, I
69. object. It's not responsive.
70. **A.** -- it would be a different story.
71. THE COURT: Sustained.

## BY ATTORNEY PERRELL:

1. **Q.** Mr. Yusuf, I understand. I just
2. need you to focus on the question, okay?
3. **A.** Yes.
4. **Q.** So the question asked is, of the
5. two things you just described, did you and
6. Mr. Hamed discuss how to resolve that?
7. **A.** When I approached Mr. Mohammad
   1. Hamed, he said, *What do you want*? I said, *Give*
   2. *me the property, such and such a property in*
   3. *Jordan, and give me the two property in, you*
   4. *know, we normally call it one, the 9.30 and the*
   5. *half acre in Tutu Park*. He said, *You can have*
   6. *it*.
   7. **Q.** Okay.
   8. **A.** I can see the man very shameful,
   9. I could see the man shows me that he's sorry for
   10. what he did, so I myself decided to tell him
   11. I'll take only one.
   12. **Q.** Okay. Which one did you say you
   13. would take?
   14. **A.** The 9.30 -- I mean the -- sorry,
   15. the Jordan property.
   16. **Q.** Okay. All right. So, when you
   17. left that day, you discussed two properties?
   18. **A.** Yes.
   19. **Q.** You ultimately decided on one,
   20. correct?
   21. **A.** Yes.
   22. **Q.** Okay. And when you say the two
   23. properties, when you were saying Tutu, what
   24. properties were you discussing when you were
   25. talking about the Tutu property? What did you

**1** mean?

# 2

**A.** Tutu is the two properties. We

1. always call it one because we bought the 9.30
2. for the purpose of building a supermarket, we
3. bought it as a farm land. We paid a very good
4. price for it. We went to the Legislature
5. looking to rezone it. The Legislature object
6. the rezoning, they want to use it farming,
7. because we don't have the proper access and
8. entrance because it's too much curve and it's
9. down the hill, people sometimes go there
10. speeding, they find it's dangerous. They say,
11. if you find another exit and entrance, we will
12. look into your request again.
13. Then I went around to the neighborhood
14. and I found that piece of property. I bought
15. it. The man asked for -- whatever he asked I
16. give him for it, I believe it's 350, and I am
17. not -- I don't need to buy properties. I have
18. -- me and Mohammad have 1,200 acre of land in
19. the Virgin Islands -- excuse me, please allow me
20. to finish.
21. I even told the owner of the half acre,
22. just turn it to us and you can keep collecting
23. rent for yourself, we don't need the rent.
24. Whatever you want, just take it, because I
25. needed the entrance to the highway. I went to
26. the Legislature, resubmit my application, they
27. said -- the Legislature said, now you have our
28. approval, and that's how I got it.
29. **Q.** Okay. And so, after you leave
30. Mohammad Hamed's house that day, did you come
31. back to the store?
32. **A.** I did not stay too long by
33. Mr. Mohammad Hamed home, maybe less than one
34. hour because, really, we were family, but it was
35. no pleasure. So as soon as I finished, I went
36. to my store, enter my office, same document
37. Mohammad had it right on my desk. I went
38. through it and I found a check for 84,000 -- 80
39. or 84,000 Jordan dinar. The dollar is only 70
40. percent of that currency. That translate about
41. 120, $126,000. He says, my father bought an
42. olive farm and he pay for it at a good price.
43. When that happened, I think three, four
44. years earlier, when he bought it -- excuse me,
45. when he bought it, I asked him how much did you
46. pay for it? He says $20,000. And when I --
47. later, about a year later or two years later, we
48. talked about it again. He say I paid 20, but
49. now I will not sell it for a hundred.
50. **Q.** Mr. Yusuf, I'm not trying to cut
51. you off, but I think we need to just -- I'm
52. trying to focus here.
53. You went back to the store, you found
54. some documents that seems contradictory to what
55. you knew. Is that fair?
56. **A.** Yes. Unfortunately, I find that
57. Mr. Mohammad is still lying to me.
58. **Q.** Okay. What did you do about it?
59. What was the next thing?
60. **A.** I immediately look for Wally and
61. tell him, *Wally, this, your father lied to me on*
62. *this. Tell him I will take the two property*.
63. **Q.** Okay. And when you said the two
64. properties, what did you mean?
65. **A.** The same two properties in
66. St. Thomas.
67. **Q.** Okay.
68. **A.** That is already, you know, is the
69. two property, the one in St. Thomas and the one
70. in Jordan.
71. **Q.** Okay. And did you tell him to do
72. anything?
73. **A.** I tell him make sure you tell
    1. your father that's what I want.
    2. **Q.** Okay.
    3. **A.** I change my mind because the
    4. man -- your father was not truthful to me.
    5. **Q.** Okay. And then when was the next
    6. time you spoke to Wally?
    7. **A.** The very next time I saw him, I
    8. think the second day early in the morning, *Did*
    9. *you talk to your father?* He said, *Yes*.
    10. *Everything is okay?* He said, *Yes*. That's it.
    11. **Q.** Okay. And from that
    12. conversation, did you understand that there was
    13. an agreement as to the two properties?
    14. **A.** Yes.
    15. **Q.** Okay. And when you say the two
    16. properties, you mean the Jordan property and the
    17. Tutu collectively?
    18. **A.** And the two Tutu Park, yes.
    19. **Q.** Okay. And did you understand
    20. that you could continue to investigate whether
    21. there had been any other issues or problems with
    22. the Hamed's?
    23. **A.** Naturally. I only discussed it
    24. -- what I discovered, excluding the property,
    25. the farms, 120, because he told me 20, and I
74. trusted him. I could find out 120, he still owe
75. me a hundred more, but still made me angry to
76. back off on my promise. He caused that.
77. **Q.** Okay. But when you conveyed this
78. to Wally Hamed and when Wally Hamed came back to
79. you and said, *Yes, I told my father.* You
80. understood that that was just for what you --
81. what did you understand was the amounts of the
82. resolution?
83. **A.** The resolution was two million in
84. the bank and the 1.4. It was not a lump sum
85. package.
86. **Q.** Okay. Were you also agreeing at
87. that time to sell the stores and completely
88. deal--
89. **A.** As soon as I find out, I really
90. want to sell out.
91. **Q.** Okay. But did you agree that
92. those two properties would be for every dispute
93. between you?
94. **A.** No, I never expected that.
95. **Q.** Okay. All right. And so, did
96. Wally ever tell you, *My father does not agree to*
97. *the two properties?*
98. **A.** He have never told me. I told
    1. him, when I think we check the one in Jordan, I
    2. told him, *When are you going to transfer the*
    3. *property in Tutu Park?* He said, *We're not going*
    4. *to do it*.
    5. **Q.** All right.
    6. **A.** I said, *Okay*. I find out in
    7. Jordan.
    8. **Q.** Was that the first time when
    9. Wally told you, *We're not going to do it?*
    10. **A.** Yes. And then I looked for
    11. people, and we agreed he will give it up, and we
    12. went home.
    13. **Q.** Okay.
    14. **A.** Fifteen minutes after I reach
    15. home, I want to double check. I will still
    16. going to keep searching. He told me, *No, no,*
    17. *no, no, it's not the agreement*. I said, *What do*
    18. *you mean not the agreement? What do I gain*
    19. *then? This man is giving me that long time ago.*
    20. *If he give me the third property in Jordan, I*
    21. *will guarantee you I will never search anymore.*

|  |  |  |
| --- | --- | --- |
| **22** | **Q.** | Okay. What was the third |
| **23** | property -- |  |
| **24** | **A.** | May I explain to the Judge? |
| **25** | **Q.** | Hang on. What was the third |

1. property in Jordan?
2. **A.** The third property in Jordan I
3. bought for $3 million. I have an offer to sell
4. it for $42 million and I turn it down.
5. **Q.** Okay. So, Mr. Yusuf, you never
6. -- did you ever reach an agreement as to the
7. third property?
8. **A.** No.
9. **Q.** Okay.
10. **A.** No. Wally issue is that if we
11. give him the third property, he still going to
12. keep asking. I said, *No*. I believe, I honestly
13. believe, from my life, my experience of my
14. capability, I never miss more than 2 percent in
15. my estimate. I honestly believe Wally have
16. steal me at least 55 to $58 million in this 20
17. years.
18. **Q.** All right. So, Mr. Yusuf, did
19. you understand, when you went to Jordan, that
20. you already had a deal with Mr. --
21. ATTORNEY HOLT: I'm sorry, finish
22. the question.
23. **Q.** Did you understand that you had a
24. deal with Mr. Hamed to transfer the Jordan
25. property and the Tutu property and you could
26. still look for more? By the time you went to
27. Jordan, is that what you understood or no?
28. ATTORNEY HOLT: Object to the
29. question as leading.
30. THE COURT: Just a minute.
31. ATTORNEY HOLT: Object to the
32. question as leading.
33. THE COURT: The question is
34. leading.

## BY ATTORNEY PERRELL:

1. **Q.** Mr. Yusuf, when you went to
2. Jordan, what did you understand the deal was
3. when you went to Jordan?
4. **A.** I understand I get paid or I
5. settle on what I discovered. What I discovered
6. at that time is one million four and $2 million.
7. **Q.** And what was the settlement for
8. what you had discovered at that time? What was
9. the settlement agreement?
10. **A.** The property in Jordan and the
11. one in Tutu Park.
12. **Q.** Okay. And the one in Tutu Park,
13. was it both the 9.4 and the half acre?
14. **A.** Yes.
15. **Q.** Okay. And when you went to
    1. Jordan, did Mr. Hamed ever say to you, *I'm not*
    2. *going to transfer the Tutu Park property to you*?
    3. **A.** No, no, no, no, he never
    4. mentioned that.
    5. **Q.** Okay. And did anybody on the
    6. Hamed side, while you were in Jordan, ever say,
    7. *We're not going to transfer the Tutu Park*
    8. *property to you*?
    9. **A.** Wally had stated in St. Croix,
    10. not in Jordan.
    11. **Q.** Okay. All right. And that was
    12. after you got back from Jordan?
    13. **A.** Yes. When I request to transfer
    14. it, he had refused to transfer it.
    15. **Q.** Okay. After Wally refused to
    16. transfer it, did you have meetings with other
    17. people in your community?
    18. **A.** Yes.
    19. **Q.** All right. And did you, during
    20. those meetings, try to enforce the agreement
    21. that you understood and to also try to maybe
    22. resolve everything?
    23. **A.** I was trying to get what he had
    24. refused to give me after he --
    25. COURT REPORTER: Excuse me. I
        1. didn't get the ending part.
        2. **Q.** Can you say it again? She could
        3. not hear you.
        4. **A.** Oh, okay. The question again,
        5. please.
        6. **Q.** Okay. Did you have a meeting
        7. with people --
        8. **A.** Yes.
        9. **Q.** -- in your community to enforce
        10. what you understood was the agreement and then
        11. possibly settle every dispute that you have?
        12. **A.** Exactly, yes.
        13. **Q.** Okay. And who was present at
        14. those meetings?
        15. **A.** Wally, myself, Suleiman Khaled,
        16. Mohammad Hannun and Bakir Hussein, five of us.
        17. I miss somebody. And Mr. Khalid Ali, he passed
        18. away.
        19. **Q.** Okay. And with regard to
        20. settlement of the two properties, the Jordan
        21. property and the Tutu property, did Wally agree
        22. that those needed to be transferred?
        23. **A.** Yes, he definitely agreed in
        24. front of the family.
        25. **Q.** Okay. And did Mr. -- did you
            1. ever reach an agreement as to a global
            2. settlement of everything else?
            3. **A.** I say to Wally, the man was
            4. stealing me, I discover he was stealing for the
            5. past 20 years. We never, I always want to keep
            6. searching, and I find. I choose a property what
            7. I believe is fair for him and me.
            8. **Q.** Okay.
            9. **A.** The two property -- the three
            10. property -- you call it three, I call it two --
            11. the one in Jordan and the location in Tutu Park,
            12. in addition to the property in Jordan, that
            13. should be equal to what I believe Wally have
            14. stolen.
            15. **Q.** Okay. So just to be clear, the
            16. third Jordan property would have been a global
            17. settlement, correct?
            18. **A.** I told the people in Plessen, he
            19. said if I give him this, he going to keep asking
            20. for property. I say, I guarantee you, I will
            21. never look anymore.
            22. **Q.** Okay. And these were
            23. conversations that you had at these meetings
            24. with those people you just described, correct?
            25. **A.** Yes.
16. **Q.** Mr. Yusuf, have you testified
17. about this agreement, the two-part property
18. agreement in this case earlier?
19. **A.** If what?
20. **Q.** Have you given a deposition about
21. this case, about this issue earlier?
22. **A.** I believe so.
23. **Q.** Okay. And do you recall giving a
24. deposition about this case in 2014 about this
25. issue?
26. **A.** Yes, and I even mentioned the two
27. piece of property in more -- what you call it,
28. more explanation.
29. **Q.** Okay. In more detail?
30. **A.** In more detail.
31. **Q.** All right. And was the
32. deposition in 2014 the very first deposition
33. that you gave in this case? Do you know?
34. **A.** I don't remember. I make so many
35. deposition.
36. **Q.** All right. And then, Your Honor
37. -- I'm sorry, Mr. Yusuf.
38. ATTORNEY PERRELL: First of all,
39. let me offer this. The exhibit -- Your Honor, I
40. believe these are already part of the record,
41. but Exhibit 3 are certain portions of
42. Mr. Yusuf's 2014 deposition. I would like to
43. offer those into evidence.
44. ATTORNEY HOLT: Your Honor,
45. unless --
46. THE COURT: When you refer to
47. three, are you referring to --
48. ATTORNEY PERRELL: I'm sorry, C.
49. THE COURT: -- Exhibit C under
50. tab three?
51. ATTORNEY PERRELL: Yes, Your
52. Honor. The C is what we referred to in our
53. motion, so I kept that because it's how I think
54. about them. I apologize for the confusion. I
55. just would like to offer those sections in his
56. deposition into the record. They're already in
57. the record, but just as an exhibit here.
58. ATTORNEY HOLT: Your Honor, we
59. object. If he doesn't recall something, this is
60. really for cross-examination, but you're not
61. just offering exhibits. It's not really in the
62. record.
63. ATTORNEY PERRELL: Well, that's
64. correct.

# 25

## BY ATTORNEY PERRELL:

1. **Q.** Mr. Yusuf, do you recall giving
2. your deposition testimony in 2014 in this case?
3. **A.** Yes.
4. **Q.** Okay. And do you recall giving
5. testimony about this dispute and this property
6. transfer in that deposition?
7. **A.** Yes.
8. **Q.** Okay. Let me ask you to look at
9. Exhibit 3, please? It's in the binder.

### (Defendant's Exhibit No. 3.)

1. ATTORNEY HOLT: He has to
2. establish that his testimony is very different
3. before she refresh his recollection.
4. ATTORNEY PERRELL: Actually, Your
5. Honor, my purpose for introducing it is not
6. necessarily to demonstrate that it's different.
7. My purpose for introducing it is to demonstrate
8. that it is consistent, and that in 2014, in
9. 2020, and now today, Mr. Yusuf's deposition
10. testimony on these issues is consistent every
11. time he's sworn to talk about it.
12. ATTORNEY HOLT: Today his
13. testimony he's giving. I don't think we need to
14. go back to his old testimony.
    1. THE COURT: It's not necessary.
    2. ATTORNEY PERRELL: Okay. Is it
    3. already in the record? May I refer to it?
    4. THE COURT: You may ask questions
    5. about it, but it's not necessary to put them on
    6. the record. His testimony will be judged in the
    7. observations of the whole thing.
    8. ATTORNEY PERRELL: We would like
    9. to refer to that in various proposed findings
    10. because it is prior testimony that is
    11. consistent.
    12. THE COURT: What proposed
    13. findings?
    14. ATTORNEY PERRELL: In any
    15. proposed findings, and it's a matter of record
    16. already.
    17. THE COURT: The proposed findings
    18. is based on the testimony and the exhibits
    19. admitted in this case.
    20. ATTORNEY PERRELL: Okay.
    21. THE COURT: The use of the
    22. deposition testimony is either to remind -- to
    23. refresh the witness's recollection or to
    24. contradict something he's now saying that he
    25. said at an earlier time. But consistency is not
15. a basis for the admission of prior deposition
16. testimony unless it has been raised as an issue.
17. ATTORNEY PERRELL: All right.

## BY ATTORNEY PERRELL:

1. **Q.** Let me ask you this, Mr. Yusuf,
2. can you please take a look at -- actually,
3. Mr. Yusuf, can you please look at --
4. THE WITNESS: Can I ask a
5. question, please? I'm asking the Judge. This
6. is my son, can he sit next to me in case I need
7. him to explain to me in English?
8. THE COURT: No.
9. THE WITNESS: I don't want him to
10. tell me what is the answer. I need somebody --
11. I don't understand sometime your question.
12. THE COURT: Well, if you don't,
13. the attorney will explain it to you.
14. ATTORNEY PERRELL: Yes, just let
15. me know and I'll be happy to do it.
16. THE WITNESS: Okay.

## BY ATTORNEY PERRELL:

1. **Q.** Mr. Yusuf, there is a another --
2. do you know that there's another lawsuit that
3. the Hamed's have brought against you in which
4. Attorney Glenda Cameron is your attorney?
   1. **A.** Who?
   2. **Q.** Attorney Glenda Cameron is your
   3. lawyer, are you aware if that's the case?
   4. **A.** I don't know who that is.
   5. **Q.** Glenda Cameron?
   6. **A.** What is the case?
   7. ATTORNEY HOLT: Your Honor, we'll
   8. stipulate that Glenda Cameron is his lawyer in
   9. another case.
   10. THE COURT: Okay.
   11. ATTORNEY PERRELL: What I'd like
   12. to do, Your Honor, is offer in certain -- I'm
   13. sorry, did you say you would agree to -- I want
   14. to introduce certain interrogatory responses
   15. that he gave in that case in addition to the
   16. ones that you have offered.
   17. ATTORNEY HOLT: I'd object to
   18. that. I'm willing to stipulate that she's his
   19. lawyer in another case.
   20. ATTORNEY PERRELL: Oh, I'm sorry,
   21. I thought you said it's fine. Okay. What I'd
   22. like to do is offer the interrogatory responses
   23. that you offered in, but I would like to
   24. introduce Exhibit No. 2, which are those
   25. interrogatory responses, and I would ask you if
5. you would agree to allow those to be introduced.

### (Defendant's Exhibit No. 2.)

1. ATTORNEY HOLT: I'm sorry. Part
2. of the same interrogatory you said?
3. ATTORNEY PERRELL: Yes.
4. ATTORNEY HOLT: It's part of the
5. same interrogatory, this is Exhibit 2?
6. ATTORNEY PERRELL: Yes.
7. ATTORNEY HOLT: I don't think I
8. have an objection to 2. Let me just make sure.
9. I have no objection.
10. ATTORNEY PERRELL: Your Honor, we
11. would like to move into evidence Exhibit No. 2,
12. which is also tabbed as Exhibit B.
13. THE COURT: No objection, it will
14. be admitted by stipulation. It's admitted
15. without objection.

### (Defendant's Exhibit No. 2 is

1. **admitted into evidence.)**
2. ATTORNEY HOLT: Excuse me?
3. THE COURT: Without objection, it
4. will be admitted.

## BY ATTORNEY PERRELL:

1. **Q.** Now, Mr. Yusuf --
2. **A.** Yes.
3. **Q.** -- in this case --
4. **A.** Yes.
5. **Q.** -- are you asking to get the
6. $2 million and the $1.4 million that was part of
7. what you understood those properties before --
8. are you asking for that in this case?
9. **A.** No. I consider that is already
10. settled with these properties.
11. **Q.** Okay. Mr. Yusuf, have you read
12. -- I'm sorry. Have you read the deposition
13. testimony that you gave in 2014 relating to this
14. case?
15. **A.** Some of it.
16. **Q.** Okay. You testified a moment ago
17. that the testimony you gave before had some
18. greater detail than what you've described here.
19. Do you recall that?
20. **A.** I would say so, yes.
21. **Q.** Let me ask you to look at Exhibit

**20** No. 3.

1. ATTORNEY HOLT: Your Honor, once
2. again, you can't use deposition testimony unless
3. she's impeaching him, so I don't understand the
4. purpose of the proffer.
5. ATTORNEY PERRELL: Your Honor,
   1. again, I apologize. It's somewhat
   2. unconventional, but here's the issue. The issue
   3. has been, and even the testimony provided by
   4. Mr. Hamed is that Mr. Yusuf is always changing
   5. the deal and always changing things. And the
   6. reason for offering this sworn testimony from
   7. 2014 and then interrogatory responses and then,
   8. also, I was going to offer the 2020, to
   9. demonstrate that Mr. Yusuf's understanding of
   10. the scenario of what happened, the arrangements
   11. and so forth, has been consistent all the way
   12. through, that there hasn't been an
   13. inconsistency.
   14. ATTORNEY HOLT: He can testify to
   15. that. But secondly, litigation consistency and
   16. what happened back in a 2003 litigation is two
   17. different things.
   18. THE COURT: The attempt to prove
   19. consistency in prior testimony is not
   20. admissible. It's his testimony in this case
   21. before this Judge.
   22. ATTORNEY PERRELL: Okay.
   23. THE COURT: And if it's
   24. challenged, it will be by an inconsistency, not
   25. by consistency.
       1. ATTORNEY PERRELL: Understood
       2. Your Honor. All right.

## BY ATTORNEY PERRELL:

* + 1. **Q.** Mr. Yusuf --
    2. **A.** Yes.
    3. **Q.** -- in front of you is an exhibit
    4. marked by the other side and admitted as Exhibit
    5. No. 4. It's in those pile of documents --
    6. ATTORNEY HOLT: May I approach?
    7. THE COURT: Yes.
    8. **A.** This is -- yeah, this is the
    9. property in Jordan.
    10. **Q.** Okay. And you were present for
    11. when the transfer occurred; is that correct?
    12. **A.** Yes.
    13. **Q.** And have the Hamed's challenged
    14. this transfer of property?
    15. **A.** No. No. The lawyer ask him, he
    16. ask him about it, and he said, *Yes, I want to*
    17. *transfer it,* and he signs it and his son signs
    18. it in his signature as a witness.
    19. **Q.** After it was transferred, have
    20. the Hamed's claimed that the transfer should not
    21. go forward? After this happened, after the
    22. transfer in your meeting in Jordan, have the

1. Hamed's later challenged that?
2. **A.** Up to now they challenge it.
3. ATTORNEY PERRELL: All right.
4. Mr. Yusuf, I don't have any further questions.
5. I think Attorney Holt is going to ask you some
6. questions.

## CROSS-EXAMINATION

1. **BY ATTORNEY HOLT:**
2. **Q.** Mr. Yusuf --
3. **A.** Yes.
4. **Q.** -- first of all, we're talking
5. about the two properties in St. Thomas; one is
6. 9.4 acres and one is 1.5 acres, correct?
7. **A.** There's no 1.5. It's less than
8. one.
9. THE COURT: It's .5 acres.
10. ATTORNEY HOLT: Okay. Your
11. Honor, if I may?
12. THE COURT: Yes.

### (Blow up of Plaintiff's Exhibit

**21 No. 2.)**

## BY ATTORNEY HOLT:

1. **Q.** So, in St. Thomas there's one
2. parcel that's 9.438 acres, correct?
3. **A.** Yes, this is one.
4. **Q.** And there's another part that's
5. .536 acres, correct?
6. **A.** Yes.
7. **Q.** And this parcel (pointing) was
8. bought first, correct?
9. **A.** Excuse me?
10. **Q.** This property (pointing) was
11. purchased first, wasn't it?
12. **A.** Yes.
13. **Q.** And it was placed in the name of
14. a corporation, Plessen Enterprises, Inc.?
15. **A.** Yes.
16. **Q.** And your family owns half of that
17. corporation?
18. **A.** Yes.
19. **Q.** And how is the ownership broken
20. down?
21. **A.** They own 50 percent, we own 50
22. percent.
23. **Q.** Yeah, but in your 50 percent --
24. **A.** I don't know.
25. **Q.** You don't know?
26. **A.** I don't know.
27. **Q.** You understand that in the other
28. 50 percent that Mr. Hamed owns 10 percent and
29. each of his children own 10 percent?
30. **A.** I understand himself and his
31. children is 10, 10, 10. No, we are six. Me and
32. my wife and five children, we are six. I don't
33. know how we have it.
34. **Q.** Okay. And then the piece of
35. property that's over here (pointing), the

**8** .536 --

**9 A.** I don't know what that piece of

1. property amount. I don't think that property.
2. I don't think --
3. **Q.** Let me ask the question first,
4. okay?
5. **A.** Sure.
6. **Q.** Okay. The .536 parcel --
7. **A.** What is that?
8. **Q.** The .536 parcel that was bought
9. to access the Plessen property, that wasn't put
10. in the name of Plessen Corporation, was it?
11. **A.** Wait a minute. I honestly don't
12. know. All I know is we bought a half acre,
13. approximately a half acre, maybe the .536.
14. **Q.** And do you understand that this
15. is owned by the partnership?
16. ATTORNEY PERRELL: Objection.
    1. Objection. Objection. Wait, Mr. Yusuf.
    2. Objection.
    3. **Q.** I'll rephrase it.
    4. Do you understand that this was
    5. purchased by the partnership and then owned by
    6. the partnership at least until 2012; do you
    7. understand that?
    8. **A.** We bought the both property in
    9. the name of the partnership. That Plessen, and
    10. again, we brought in Plessen, and then after I
    11. said, *No, after the rain, you have to put it*
    12. *back in United.* Then United still partnership
    13. until Mohammad Hamed give it up.
    14. **Q.** So these two properties aren't in
    15. the same name, are they?

|  |  |  |
| --- | --- | --- |
| **16** | **A.** | I don't know. I don't know if |
| **17** | that .536 is | a property that I own or my |
| **18** | neighbor. |  |
| **19** | **Q.** | Okay. |
| **20** | **A.** | All I know is we have half acre |
| **21** | for entrance | purposes. |
| **22** | **Q.** | All right. |
| **23** | **A.** | That's all we know. |
| **24** | **Q.** | And if Mr. Mohammad Hamed only |

**25** owns 10 percent of Plessen, how can he give that

1. to you when he only owns 10 percent?
2. **A.** Excuse me?
3. **Q.** If Mr. Hamed, Mohammad Hamed,
4. only owns 10 percent of Plessen, how can he give
5. that to you? He only owns 10 percent of it,
6. that's all he owns.
7. **A.** Come on. Where the other -- if I
8. want to give that son, you see him, he's on
9. fifth floor and I tell him jump, he will never
10. say not me, he will. That's the Arab custom.
11. Don't come up with the American custom here. We
12. both Arab, we understand ourself this way.
13. **Q.** Well, do you understand that if
14. the children of Mr. Hamed -- let me finish my
15. question. You understand that if the children
16. didn't agree to transfer the Plessen property,
17. that you wouldn't get a --
18. **A.** They don't interfere. The
19. children never interfere. Mohammad Hamed swear
20. on the Quran for something he never touched.
21. **Q.** That's not my question.
22. **A.** He left everything for his
23. children.
24. **Q.** That's not my question. If the
25. children decided not to transfer, then it's not
26. his to transfer, correct?
27. **A.** Sir, whatever they steal, the
28. whole family owes it. Whatever Mohammad steal,
29. the whole family responsible --
30. **Q.** Judge, could you ask him to
31. answer my question?
32. **A.** -- and they all enjoying it.
33. THE COURT: Can you answer the
34. question?
35. **A.** I don't know what he say.
36. **Q.** Well, you said you spoke to
37. Mohammad Hamed about transferring the
38. property --
39. **A.** Yes.
40. **Q.** -- on March 11th, and he offered
41. the property?
42. **A.** Yes.
43. **Q.** And you decided not to accept it,
44. correct?
45. **A.** No, no, no, no. I accepted it,
46. but I decide I give it to him. I let him keep
47. it because he showed me that he suffering. He
48. made a mistake. He's angry over what he did.
49. When I went to the store, he find -- I find the
50. man is more thief. Something he bought for
51. 20,000, I find that he paid 120, then I get
52. angry and I tell his son, *Tell your father I*
53. *want the property back.*
54. **Q.** So, when you left his house that
55. day, you shook hands, and you were going to take
56. one property that's in Jordan, correct?
57. **A.** I did not say that.
58. **Q.** Did you --
59. **A.** Wally agreed.
60. **Q.** Did you have an agreement?
61. **A.** We have an agreement.
62. **Q.** Okay. And then when you got back
63. to the store, you said that you decided to keep
64. on looking; is that correct?
65. **A.** Yes.
66. **Q.** So, what was your agreement?
67. Wasn't the agreement one piece of land and
68. everything would be done?
69. **A.** No. It states what is the price
70. for the land they took, 1.4 and the 2 million.
71. Come on, it's clear.
72. **Q.** All right.
73. **A.** How it could be I can't look
74. anymore.
75. **Q.** Okay. So you kept looking and
    1. you just decided that you found another $126,000
    2. that was missing; is that correct?
    3. **A.** Not missing. It's hidden.
    4. **Q.** Okay. And so, because of that,
    5. you then went back and told Wally, *Tell your*
    6. *father --*
    7. **A.** Yeah, I got angry.
    8. **Q.** *-- now I want the Plessen*
    9. *property*, correct?
    10. **A.** No, no, no, no. He's not -- he
    11. don't deserve that I should let him keep it.
    12. **Q.** Okay. So when you told Wally,
    13. was he to go back and now get both pieces of
    14. property --
    15. **A.** Both.
    16. **Q.** -- or just one piece?
    17. **A.** Both. Both.
    18. **Q.** So the agreement for the first
    19. piece was off and now you were trying to go back
    20. and get a third piece of property?
    21. **A.** Don't try to confuse me. I am
    22. not going to be confused.
    23. **Q.** Judge, could you ask him to
    24. answer the question?
    25. **A.** No, no, no. What is your
        1. question? I tell you Mohammad Hamed, he
        2. represent himself and all his children. That's
        3. my understanding.
        4. **Q.** Okay. So here's my question, you
        5. have an agreement with him for one piece, you go
        6. back and you look and you see on the books that
        7. you think more is missing, so you tell him the
        8. agreement is no agreement, and now you want both
        9. pieces, correct?
        10. **A.** Yes.
        11. **Q.** And you told Wally to go back and
        12. tell him that you wanted both pieces, correct?
        13. **A.** Yeah.
        14. **Q.** Okay. And did you ever talk
        15. yourself to Mohammad Hamed about it?
        16. **A.** Look, Mohammad never left his
        17. house after I discover it. He don't want to see
        18. nobody. He don't even come to the Mosque.
        19. **Q.** So you never spoke to Mohammad
        20. Hamed again?
        21. **A.** No, I will never speak to a man
        22. like that after I discover who he is.
        23. **Q.** So after you left his house, the
        24. only conversations you had was with Wally Hamed,
        25. correct?
            1. **A.** Wally, and not too much, maybe
            2. once or twice.
            3. **Q.** You had no more discussions with
            4. Mohammad Hamed after you left his house that
            5. day, ever again?
            6. **A.** No, I don't recall, and I don't
            7. think I will.
            8. **Q.** Okay. When the meeting took
            9. place with the elders in September or October of
            10. 2011, Mr. Hannun was present?
            11. **A.** Excuse me. Ask me the question
            12. please.
            13. **Q.** So the meeting took place --
            14. there were meetings -- so after you came back
            15. from Jordan --
            16. **A.** Yes.
            17. **Q.** -- there were meetings with the
            18. elders just trying to discuss all this, correct?
            19. **A.** The meeting what?
            20. **Q.** There were meetings in Jordan --
            21. excuse me, in St. Croix with the elders to try
            22. to clean all this up, correct?
            23. **A.** Yes.
            24. **Q.** Okay. And Mohammad Hannun was
            25. one of the people present?
                1. **A.** Yes.
                2. **Q.** And at that time, Glenda Cameron

|  |  |  |
| --- | --- | --- |
| **3** | was one | of your lawyers? |
| **4** |  | **A.** Who? |
| **5** |  | **Q.** Glenda Cameron? |
| **6** |  | **A.** Glenda? The lady, she have an |
| **7** | office | up the street? |
| **8** |  | **Q.** Yes. |
| **9** |  | **A.** Yes. |
| **10** |  | **Q.** She was one of your lawyers, |
| **11** | right? |  |
| **12** |  | **A.** Yes. |
| **13** |  | **Q.** And she notarized an affidavit |

1. from Mr. Hannun, correct?
2. **A.** I think Nazar is the one who
3. affidavit.
4. **Q.** Huh?
5. **A.** I think Nazar -- I never dealt
6. with Hannun on that.
7. **Q.** Have you seen these affidavits?
8. **A.** Yes.
9. **Q.** Okay. Did you see them before
10. they were signed?
11. **A.** Excuse me?
12. **Q.** Did you see these before they
    1. were signed?
    2. **A.** No.
    3. **Q.** Who drafted these affidavits?
    4. **A.** Who? I don't know. You want me
    5. to read it from here?
    6. **Q.** Do you know who actually wrote
    7. these affidavits?
    8. **A.** Tell me who it is, please.
    9. **Q.** This is Mr. Hannun's affidavit.
    10. **A.** Yes, he signed it, he was there.
    11. I don't know if I was there or not, I doubt it.
    12. **Q.** Did he type this up? Did he type
    13. this up? Do you know?
    14. **A.** Ask him that question, not me.
    15. **Q.** All right. In his affidavit on
    16. paragraph 19, he says:
    17. *We called Waleed after Mr. Yusuf had*
    18. *agreed to settle the dispute for the two*
    19. *properties for what he discovered, we*
    20. *called Waleed who came in and we told him*
    21. *of the agreement and we shook hands, and*
    22. *everyone left.*
    23. Is that what happened?
    24. **A.** On the two property only. But, I
    25. want to continue search.
        1. **Q.** So, Mr. Hannun says:
        2. *Later that night, before 24 hours past,*
        3. *Mr. Yusuf called and asked, if I find*
        4. *anything else, can he ask for it, and I*
        5. *said no the agreement covers everything,*
        6. *even what he doesn't know about right now,*
        7. *and Mr. Yusuf said no, that the agreement*
        8. *was for what he knew now, and not for*
        9. *everything else he finds. Then there was*
        10. *no more agreement.*
        11. Is that what happened?
        12. **A.** I don't know who told you that.
        13. **Q.** So that's not correct?
        14. **A.** I don't know who told you that.
        15. I never say that. I just want to confirm I am
        16. going to continue search.
        17. **Q.** Okay. So after --
        18. **A.** I told you already, the man run a
        19. business for 20 years --
        20. **Q.** All right. So --
        21. **A.** -- and I tell you what is the
        22. property for, a million four and two million.
        23. **Q.** So here's my question, after the
        24. meeting where Mr. Hannun was present, and Wally
        25. agreed to give two properties, it's your
13. testimony that you could still continue to look
14. for more properties?
15. **A.** Yes, because he give it to me for
16. what I show him I want, the two million and the

**5** 1.4.

1. **Q.** And was there ever an agreement
2. signed on that? Was there ever anything signed
3. on that?
4. **A.** No, we don't sign.
5. **Q.** And was the property in
6. St. Thomas ever conveyed?
7. **A.** That's what I requested, the
8. property in St. Thomas to be transferred to me
9. and they said, *No*.
10. ATTORNEY HOLT: Your Honor, may I
11. have just a short break, I think I'm probably
12. wrapping up.
13. THE COURT: Yes, you may. Ten
14. minute recess.

### (Recess had.)

**21 \* \* \***

### (After the recess.)

1. ATTORNEY HOLT: I have no more
2. questions.
3. ATTORNEY PERRELL: Just a couple.

## REDIRECT EXAMINATION

1. **BY ATTORNEY PERRELL:**
2. **Q.** So, Mr. Yusuf, just a couple
3. follow-up questions. Attorney Holt asked you if
4. this deal that you've described was in writing.
5. Was the partnership deal in writing?
6. **A.** No, the whole Plaza Extra is not
7. in writing.
8. **Q.** Okay.
9. **A.** It's only shake hand.
10. **Q.** All right. So, when Waleed Hamed
11. came back to you and you asked him, *Did you*
12. *speak to your father?* At what point in time did
13. you believe that that half acre, the little out
14. parcel, the half acre in Tutu was no longer
15. partnership property?
16. **A.** From the time we had that meeting
17. and I went home and, you know, because I felt
18. sorry for him, when I realize the man was lying
19. to me, he don't mind his age, he don't mind the
20. way he look, but he still is not perfect, that I
21. draw my word because he don't deserve it.
22. **Q.** Okay. So when did that --
23. **A.** From that day, the property is
24. mine.
    1. **Q.** Okay. And was there any
    2. paperwork that needed to happen for that half
    3. acre to go from being considered partnership to
    4. now being something that is owned by you or
    5. something that you have access to individually?
    6. ATTORNEY HOLT: Objection. Calls
    7. for a legal conclusion.
    8. **A.** In that case --
    9. THE COURT: He may answer it.
    10. **A.** In that case, I don't need
    11. anything because the property is already in the
    12. name of United.
    13. **Q.** Okay.
    14. **A.** All I want to discover if they no
    15. longer have anything in it.
    16. ATTORNEY PERRELL: Okay. All
    17. right. I have no further questions, Mr. Yusuf.
    18. I think we are done.
    19. I would like to offer in a couple of
    20. affidavits that we had already stipulated to,
    21. but I have no further questions for Mr. Yusuf,
    22. so you're good.
    23. THE WITNESS: I could leave now?
    24. THE COURT: No, Attorney Holt
    25. wants to ask you some more questions.

## RECROSS-EXAMINATION

* + 1. **BY ATTORNEY HOLT:**
    2. **Q.** Did the partnership -- did the
    3. property in the name of Plessen Enterprises,
    4. LLC, did that automatically transfer to your
    5. name, too?
    6. **A.** I don't understand the question.
    7. ATTORNEY HOLT: No other
    8. questions.
    9. THE WITNESS: Tell me, tell me.
    10. No, we're here. I go home 1:30 in the morning
    11. every day.
    12. ATTORNEY PERRELL: We're good.
    13. No further questions.
    14. THE COURT: Thank you, Mr. Yusuf,
    15. you may be excused.
    16. ATTORNEY PERRELL: So, Your
    17. Honor, just to make sure that we've got
    18. everything in.
    19. Did you put in Hannun?
    20. ATTORNEY HOLT: I did offer
    21. Hannun.
    22. ATTORNEY PERRELL: Okay. Your
    23. Honor, we'd like to go ahead and offer into
    24. evidence, the parties have agreed by

1. stipulation, what would be our Exhibit 17 and
2. our Exhibit 18. Exhibit 17 is the affidavit of
3. Suleiman Khaled, and Exhibit 18 is the affidavit
4. of Bakir Hussein, and the parties have agreed by
5. stipulation to allow that to occur.
6. **(Defendant's Exhibit Nos. 17 and**
7. **18 admitted into evidence by**
8. **stipulation.)**
9. ATTORNEY HOLT: Other than that,
10. the only other exhibit you have is Exhibit 2.
11. THE COURT: Two.
12. ATTORNEY HOLT: Two and five? Or
13. two and six?
14. ATTORNEY PERRELL: Two and six.
15. THE COURT: Yes.
16. ATTORNEY PERRELL: All right,
17. Your Honor.
18. THE COURT: Thank you.
19. ATTORNEY PERRELL: And if, rather
20. than giving closing statements, we would ask
21. that the parties be allowed to do proposed
22. findings. I think that's easier for everyone,
23. if the Court would allow.
24. THE COURT: I have no objection.
25. How long would you like?
    1. ATTORNEY PERRELL: Proposed
    2. findings as opposed to closing arguments.
    3. ATTORNEY HOLT: That's fine.
    4. What is our deadline?
    5. ATTORNEY PERRELL: I guess it
    6. would depend on when we can get the transcript
    7. back.
    8. THE COURT: It's a short
    9. transcript. How much time after you receive the
    10. transcript do you need?
    11. ATTORNEY HOLT: Well, I've got
    12. one week of vacation in there.
    13. THE COURT: I know.
    14. ATTORNEY HOLT: And I've got some
    15. medical in there. Really and truly, I'm just
    16. finishing up --
    17. THE COURT: All right. Both
    18. parties should file their proposed findings and
    19. conclusions on or before October 30th.
    20. ATTORNEY PERRELL: October 30?
    21. THE COURT: Yes. Because I know
    22. that the transcript will be filed by Monday.
    23. Is that agreed, Attorney Holt? The end
    24. of October?
    25. ATTORNEY HOLT: I'll make it

**1** work.

# 2

ATTORNEY PERRELL: Your Honor,

1. just to clarify, October 30th is a Saturday,
2. should we make it either the 29th or November 1?
3. ATTORNEY HOLT: Work expands, so
4. both of us are not available.
5. THE COURT: The 29th should be
6. good.
7. ATTORNEY PERRELL: Thank you,
8. Your Honor.
9. ATTORNEY HOLT: Okay. Thank you.
10. ATTORNEY PERRELL: Thank you,
11. everyone. Appreciate it. Thank you, Carl.
12. Nice to see you.
13. ATTORNEY HARTMANN: Thank you.
14. Nice to see all of you.
15. THE COURT: And thanks for
16. getting Joel back into the courtroom.

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**20 (WHEREUPON, proceedings concluded.)**

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**2 CERTIFICATE OF REPORTER**

# 3

1. I, SUZETTE V. DESCARTES, a Registered Merit
2. Reporter and Notary Public of the U.S. Virgin
3. Islands, do hereby certify that I did report, in
4. my professional capacity, the foregoing Hearing
5. in the case of Mohammad Hamed, et al. vs Fathi

**9** Yusuf, et al., (SX-12-CV-370, SX-14-CV-287,

1. SX-14-CV-378) taken on September 28, 2021 at the
2. Law Offices of Joel H. Holt, Conference Room.
3. I further certify that the foregoing pages
4. comprise a full, true and correct transcript as
5. taken from my stenographic notes, of the
6. proceedings had, and that said transcript
7. contains all testimony and rulings of the Court
8. and all matters to which same relate.
9. IN WITNESS WHEREOF, I have hereunto affixed
10. my signature this 6th day of October 2021.

**20**

**21**

**22**

**23**

**SUZETTE V. DESCARTES**

**24 RMR/Notary Public**

**25**