

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

**HISHAM HAMED, individually,
and derivatively for
SIXTEEN PLUS CORPORATION,**

Plaintiffs/Counterclaim Defendant,

v.

MANAL MOHAMMAD YOUSEF,

Defendant/Counterclaim Plaintiff.

CIVIL NO. SX-16-CV-00065

**ACTION FOR
DECLARATORY JUDGMENT
CICO and FIDUCIARY DUTY**

JURY TRIAL DEMANDED

**MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD YOUSEF, *Plaintiff***

v.

SIXTEEN PLUS CORPORATION,

Defendant.

CIVIL NO. SX-17-CV- 00342

**ACTION FOR DEBT AND
FORECLOSURE**

**COUNTERCLAIM FOR
DAMAGES**

JURY TRIAL DEMANDED

SIXTEEN PLUS CORPORATION,

Counterclaim Plaintiff,

v.

**MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD,**

Counterclaim Defendants, and

FATHI YUSUF,

Third Party Defendant.

**SECOND INTERROGATORIES TO
THIRD-PARTY DEFENDANT FATHI YUSUF**

COMES NOW Carl J. Hartmann, co-counsel for Sixteen Plus, and propounds the following interrogatories on Third-Party Defendant, Fathi Yusuf. The numbering proceeds in sequence from the first set.

If any of the following Interrogatories cannot be answered in full, please answer to the extent possible, specify the reason for your inability to answer the remainder and state whatever information or knowledge you have concerning the unanswered portion. Where your investigation is incomplete, give all information known as of the date of signing your answer. Where exact data is unavailable, supply estimated data, indicate that you have done so, and explain the basis on which the estimate was made.

If you decline to answer any interrogatory, or portion of any interrogatory, on a claim of privilege or other basis for withholding an answer, such as the work product doctrine, state each privilege or other basis for withholding claimed and describe in detail all foundational facts upon which you base such claim of privilege or basis for withholding.

It is requested that all copies of all documents identified in response be attached to the answers to the responses to these Interrogatories as an exhibit.

Please take notice that these Interrogatories are deemed to be continuing up to and including the first day of trial of this action. If at any time you or any person acting on your behalf obtains additional information called for by these Interrogatories between the time of your response and the time set for trial, please serve supplemental sworn answers setting forth such information.

The words "**and**," as well as "**or**," shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the specifications all responses which might otherwise be construed to be outside its scope.

Terms in the plural include the singular and terms in the singular include the plural; the use of one gender shall include all others as appropriate in the context. These interrogatories are continuing in nature so as to require **you, the Defendant**, to file supplemental answers if any additional or different information responsive to these interrogatories is discovered or obtained subsequent to the filing of answers to these interrogatories.

TERMS AND MEANINGS

The terms used in this Discovery have the following meaning:

As used herein, the term "**document(s)**" is used in its broadest sense to include, by way of illustration only and not by way of limitation, all originals and non-identical copies of any writing or any other tangible thing or data compilation in the custody, possession or control of the Defendant - whether printed, typed, reproduced by any process, written or produced by hand, including any graphic matter however produced or reproduced, or produced by any other mechanical means and all data, either electronic, magnetic, chemical, mechanical, or other form of data storage capable of being transformed into written or oral matter, including, but not limited to, CD-ROMs, DVDs, computer disks, Hard-drive computer storage mediums — including e-mails, letters, affidavits, filings, engineering studies and/or tests, reports, agreements, communications,

correspondence, permits, accounting records, business records, contracts, letters of agreements, telegrams, mailgrams, memoranda, summaries and/or records of personnel or telephone conversations, diaries, calendars, forecasts, photographs, tape recordings, facsimiles, models, statistical statements, graphs, charts, plans, drawings, service and/or pump data, logs, minutes or records of meetings, minutes or records of conferences, reports and/or summaries of interviews, reports, conversations, summaries of investigations, opinions or reports of consultants, topographical or geological maps or surveys, appraisals, records, reports or summaries of negotiations, drafts of any document, revisions of drafts of any document, purchase orders, invoices, receipts, original or preliminary notes, financial statements, accounting work papers, promissory notes, film, microfilm, microfiche, punch cards, slides, pictures, videotapes, moving pictures, computer programs, laboratory results, magnetic tapes or any other matter which is capable of being read, heard or seen with or without mechanical or electronic assistance.

"Communication" means any correspondence, contact, discussion, exchange, contract, or agreement between any two or more persons. Without limiting the foregoing, "communication" includes all documents, as defined above, telephone conversations, internet communications, e-mail, facsimile transmissions, voice mail, face-to-face conversations, meetings, and conferences.

"Relevant time period" means 1995 to present.

"Manal Mohammad Yousef" or **"Manal"** shall mean the party herein.

Interrogatory #5:

In the companion CICO action, 650,,you asserted the 5th Amendment in response to one or more interrogatories. State in detail what immunity you received in return for or at the time of the plea deal by which United Corporation pled guilty of tax evasion.

NOTE: It does not make any difference that others received a similar or identical immunity—what is being sought here is YOUR statement of and understanding of the immunity you enjoy. This shall include but not be limited to the specific acts and types of acts for which you received immunity., as well as dates (or range of dates) of those acts for which you received immunity.

Interrogatory #6:

In the companion CICO action, 650, you asserted the 5th Amendment in response to one or more interrogatories. Describe in detail all acts for which you have received immunity in which you or your agents or employees committed any of the following acts:

- A. Removed funds from Plaza Extra cash registers in the form of cash.
- B. Failed to add such cash removed from Plaza Extra on income tax filings
- C. Failed to pay taxes on such cash removed from Plaza Extra.
- D. Caused such cash removed from Plaza Extra to be converted to the use of you, your family members, the Hamed or the Hamed family members—or entities owned or controlled by any of them.
- E. Caused such cash removed from Plaza Extra to be transported by a living person traveling to St. Maarten.
- F. Caused such cash removed from Plaza Extra to be transported by a living person traveling to Jordan.
- G. Caused such cash removed from Plaza Extra to be transported by a living person traveling to the West Bank.
- H. Caused such cash removed from Plaza Extra to be transported wire, telex, money order or other non-human means traveling to St. Maarten.
- I. Caused such cash removed from Plaza Extra to be transported by wire, telex, money order or other non-human means to Jordan.
- J. Caused such cash removed from Plaza Extra to be transported by wire, telex, money order or other non-human means to the West Bank.

- K. k. Caused such cash removed from Plaza Extra to be deposited or used to purchase land in St. Maarten.
- L. Caused such cash removed from Plaza Extra to be deposited or used to purchase land in St. Jordan.
- M. Caused such cash removed from Plaza Extra to be deposited or used to purchase land in the West Bank.

Interrogatory #7:

In the companion CICO action, 650, you asserted the 5th Amendment in response to one or more interrogatories. Describe in detail all acts **for which you have received immunity** in which you or your agents or employees committed any of the following acts:

- N. Removed pre-tax funds from Plaza Extra by means other than by taking cash from cash registers, .
- O. Failed to add such other removed amounts removed from Plaza Extra on income tax filings
- P. Failed to pay taxes on such other removed amounts removed from Plaza Extra.
- Q. Caused such other removed amounts removed from Plaza Extra.
- R. Caused such other removed amounts removed from Plaza Extra to be transported by a living person traveling to St. Maarten.
- S. Caused such other removed amounts removed from Plaza Extra to be transported by a living person traveling to Jordan.
- T. Caused such other removed amounts removed from Plaza Extra to be transported by a living person traveling to the West Bank.
- U. Caused such other removed amounts removed from Plaza Extra to be transported wire, telex, money order or other non-human means traveling to St. Maarten.
- V. Caused such other removed amounts removed from Plaza Extra to be transported by wire, telex, money order or other non-human means to Jordan.
- W. Caused such other removed amounts removed from Plaza Extra to be transported by wire, telex, money order or other non-human means to the West Bank.

- X. k. Caused such other removed amounts removed from Plaza Extra to be deposited or used to purchase land in St. Maarten.
- Y. Caused such other removed amounts removed from Plaza Extra to be deposited or used to purchase land in St. Jordan.
- Z. Caused such other removed amounts removed from Plaza Extra to be deposited or used to purchase land in the West Bank.

Interrogatory #8:

For any of the cash or other removed amounts described in response to interrogatory #6 or 7, state whether some or all of that cash was repatriated to the USVI, Puerto Rico or the mainland US. For each such amount state:

- A. What amount was repatriated
- B. When that occurred
- C. What means was used to repatriate the amount.
- D. What that amount was used for

Interrogatory #9:

For any of the cash or other removed amounts described in response to interrogatory #6, state whether some or all of that cash was NOT repatriated to the USVI, Puerto Rico or the mainland US. For each such amount state:

- A. What amount was not repatriated
- B. What that amount was used for
- C. What amount or asset presently exists, where and its value.

Interrogatory 10

For any of the cash or other removed amounts described in response to interrogatory #6 or 7 that was sent to St. Maarten, for which you HAVE received immunity, state whether some amounts went to Isam or Jamil Yousef – or Island Appliances.

Interrogatory 11

For any of the cash or other removed amounts described in response to interrogatory #6 or 7 that was sent to St. Maarten, for which you HAVE received immunity, state the approximate amount in each of the years 1995, 1996, 1997, 1998, 1999, and 2000. If you are not able to approximate the amount, state a range. If you are not able to approximate or state a range, state a minimum amount.

Interrogatory 12

For any of the cash or other removed amounts described in response to interrogatory #6 or 7 that was sent to St. Maarten, for which you HAVE received immunity, detail all of the methods you know of which were used, these shall include but not be limited to:

- A. Wally carried cash
- B. Wally carried checks
- C. Wally carried money orders
- D. Wally carried some other thing
- E. Fathi carried cash
- F. Fathi carried checks
- G. Fathi carried money orders
- H. Fathi carried some other thing
- I. A third person other than Wally or Fathi (please identify) carried cash
- J. A third person other than Wally or Fathi (please identify) carried checks
- K. A third person other than Wally or Fathi (please identify) carried money orders
- L. A third person other than Wally or Fathi (please identify) carried some other thing
- M. Investments were used to transfer funds
- N. Wire transfers were used to transfer funds
- O. Assets of value were used to transfer funds
- P. Other means not listed were used to transfer funds, assets or anything of value.

Interrogatory 13

For any of the cash or other removed amounts described in response to interrogatory #6 or 7 that was sent to St. Maarten, for which you HAVE received immunity, detail all taxes you paid in St. Maarten with regard to those funds

Interrogatory 14

For any of the cash or other removed amounts described in response to interrogatory #6 or 7 that was sent to St. Maarten, for which you HAVE received immunity, detail all taxes Jamil or Isam or Island Appliances paid in St. Maarten with regard to those funds, and if they did not, detail how you assisted them in not paying those taxes.

Interrogatory 15

For any of the cash or other removed amounts described in response to interrogatory #6 or 7 that was sent to St. Maarten, for which you HAVE received immunity, detail whether some was used to ay one or more interest payments on behalf of Sixteen Plus to Manal Yousef or her agent(s) in 1998, 1999, and/or 2000.

Interrogatory 16

In the companion CICO action, 650, you asserted the 5th Amendment in response to one or more interrogatories. Here, above, you were asked to identify the acts and activities for which you have received immunity. In the interrogatories above, you were asked to identify the removal or other diversion of funds or assets from Plaza Extra prior to their being accounted--for the purpose of avoiding taxes—for which you HAVE received immunity. Describe in detail as to all such acts, transfers and uses of the funds:

- A. The names of persons who assisted in each act, transfer or use.
- B. The manner in which each such person assisted and the dates involved.
- C. The value, compensation or other remuneration or gratuity each received.

Interrogatory 17

In the companion CICO action, 650, you asserted the 5th Amendment in response to one or more interrogatories. In the interrogatories above, you were asked to identify the removal or other diversion of funds or assets from Plaza Extra prior to their being accounted--for the purpose of avoiding taxes—for which you HAVE received immunity.

Describe in detail as to all such acts, transfers and uses of the funds:

- A. The knowledge or involvement of Mike Yusuf
- B. The knowledge or involvement of Yusuf Yusuf
- C. The knowledge or involvement of Nejeih Yusuf
- D. The knowledge or involvement of any other member of Fathi Yusuf's immediate family.
- E. The knowledge or involvement of any of Mohammad Hamed's sons or other members of his immediate family.
- F. The knowledge or involvement of any lawyer retained by Fathi Yusuf, Wally Hamed, Sixteen Plus, United Corporation or Plaza Extra Supermarkets
- G. The knowledge or involvement of any accountant or CPAr retained by Fathi Yusuf, Wally Hamed, Sixteen Plus, United Corporation or Plaza Extra Supermarkets
- H. The knowledge or involvement of any employee or contractor of Sixteen Plus, United Corporation or Plaza Extra Supermarkets.
- I. The identity and knowledge on any other person not provided in response to the above.

Interrogatory 18

In the companion CICO action, 650, you asserted the 5th Amendment in response to one or more interrogatories. In the interrogatories above, you were asked to identify the removal or other diversion of funds or assets from Plaza Extra prior to their being accounted--for the purpose of avoiding taxes—for which you HAVE received immunity. Describe in detail as to all such acts, transfers and uses of the funds: What properties or assets in the USVI were purchased with such funds or assets, including but not limited to your personal real property, real property held by you or your family, and real property held by corporations or partnership owned jointly with members of the Hamed family.

Interrogatory 19

In the companion CICO action, 650, you asserted the 5th Amendment in response to one or more interrogatories. In the interrogatories above, you were asked to identify the removal or other diversion of funds or assets from Plaza Extra prior to their being accounted--for the purpose of avoiding taxes—for which you HAVE received immunity. Describe in detail as to all such acts, transfers and uses of the funds: What properties or assets in Jordan or the West Bank were purchased with such funds or assets, including but not limited to your personal real property, real property held by you or your family, and real property held by corporations or partnership owned jointly with members of the Hamed family.

Interrogatory 19

In the companion CICO action, 650, you asserted the 5th Amendment in response to interrogatories. In the interrogatories above, you were asked to identify the removal or other diversion of funds or assets from Plaza Extra prior to their being accounted--for the purpose of avoiding taxes—for which you HAVE received immunity. For the purpose of interrogatories 19-21, these will be referred to as the act of “skimming” and the funds and assets will be referred to as the “skimmed assets”

- A. For the years and times for which you have immunity only, state the approximate total amount of the skimmed assets.
- B. For the years and times for which you have immunity only, state the approximate total amount of the skimmed assets that went to Fathi Yusuf and his family as compared to Mohammad Hamed and his family.
- C. For the years and times for which you have immunity only, state the approximate total amount of the skimmed assets that have been invested in real property, and listing each property, state its present value.
- D. For the years and times for which you DO NOT have immunity only, state the approximate total amount of the skimmed assets.
- E. For the years and times for which you DO NOT have immunity only, state the approximate total amount of the skimmed assets that went to Fathi Yusuf and his family as compared to Mohammad Hamed and his family.
- F. For the years and times for which you DO NOT have immunity only, state the approximate total amount of the skimmed assets that have been invested in real property, and listing each property, state its present value.

Dated: September 14, 2022



CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page or word limitation set forth in Rule 6-1(e) and that on 9/14/2022, I served a copy of the foregoing by email, as agreed by the parties, as well as a copy mailed to James Hymes at the address below, on:

Charlotte Perrell
Stefan Herpel, Esq.
Law House, 10000 Frederiksberg Gade
P.O. Box 756
St. Thomas, VI 00804-0756
Tel: (340) 774-4422
sherpel@dtflaw.com

James L. Hymes, III, Esq.
P.O. Box 990
St. Thomas, VI 00804-0990
Tel: (340) 776-3470
jim@hymeslawvi.com

/s/ Carl J. Hartmann III