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| **MANAL MOHAMMAD YOUSEF,**  *Plaintiff*  v.  **SIXTEEN PLUS CORPORATION**,  Defendant.  and  **SIXTEEN PLUS CORPORATION**,  *Counter-Plaintiff*  v.  **MANAL MOHAMMAD YOUSEF,**  *Counter-Defendant*,  and  **SIXTEEN PLUS CORPORATION**,  *Third-Party Plaintiff*  v.  **FATHI YUSUF,**  *Third-Party Defendant*, | **CIVIL NO. SX-2017-CV-00342**    **ACTION FOR DEBT AND FORECLOSURE**  **COUNTERCLAIM FOR**  **DAMAGES**  **THIRD PARTY ACTION**  J**URY TRIAL DEMANDED**        *Consolidated With* | |
| **SIXTEEN PLUS CORPORATION**,  *Plaintiff,*  v.  **MANAL MOHAMMAD YOUSEF,**  *Defendant.,*  and  **MANAL MOHAMMAD YOUSEF,**  *Counter-Plaintiff.,*  v.  **SIXTEEN PLUS CORPORATION,**  *Counter-Defendant.* | | **CIVIL NO. SX-2016-CV-00065**  **ACTION FOR**  **DECLARATORY JUDGMENT,**  **CICO and FIDUCIARY DUTY**  **COUNTERCLAIM**      **JURY TRIAL DEMANDED** | |
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**SIXTEEN PLUS CORPORATION’S**

**MOTION TO AMEND ITS TWO ANSWERS**

**TO ADD ONE SENTENCE TO CLARIFY AN AFFIRMATIVE DEFENSE**

**COMES NOW** Sixteen Plus Corporation, through undersigned counsel, and moves the Court, pursuant to V.I. R. CIV. P. 15(a)(2), to allow it to amend its two answers in the original, pre-consolidation 65 and 342 actions--to clarify his affirmative defense of “in pari delicto”.

Before consolidation by Judge Willocks on December 16, 2019, Sixteen Plus had filed answers in both the 65 and 342 cases containing the affirmative defenses of “unclean hands” and “in pari delicto.” An issue has arisen as to whether the wording adequately conveys both defenses. In 65, the June 7, 2017 answer to Manal’s Amended Counterclaim recited:

7. Defendant is barred from the relief sought in the Amended Counterclaim because the sham note and mortgage referred to in the Amended Counterclaim are unenforceable because the sham note and mortgage were procured as part of and in furtherance of a fraudulent criminal conspiracy in which Defendant was an active participant.

And in 342, the October 12, 2017 answer and counterclaim to Manal’s Complaint recited:

8. The Plaintiff's Complaint and attached Note and Mortgage are unenforceable due to the illegality of the transaction.

The issue arises concerning the difference between “unenforceable” and “barred” versus “should decline to hear” which more adequately reflects the doctrine of “in pari delicto”. Thus, Sixteen Plus asks to amend each of these (7 & 8) to add the following sentence.

In the alternative, the Court *should decline to hear* the substance of these matters as there was an overarching series of coupled illegal activities in which all knowingly and intentionally participated.

Sixteen Plus attaches, as **Exhibit B**, its *Motion to Amend* in the 650 action for the legal and factual bases of this request and incorporates those facts and arguments here.

Finally, as this adds one sentence, no revised answers and redlines are attached.

A proposed order is attached as **Exhibit A**.

**Counsel for Sixteen Plus Corporation**

**Dated:** January 1, 2023 /s/ *Carl J. Hartmann III*

**Carl J. Hartmann III, Esq.**

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**CERTIFICATE OF SERVICE**

I hereby certify that, discounting captions, headings, signatures, quotations from authority and recitation of the opposing party’s own text, this document complies with the page and word limitations set forth in Rule 6-1(e) and that on **January 1, 2023**, I served a copy of the foregoing by email and the Court’s E-File system, as agreed by the parties, to:

**James Hymes III**, **Esq.**

*Counsel for Manal Yousef*

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**Courtesy copy** to Kevin Rames, Esq.

/s/ Carl J. Hartmann III