

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

MOHAMMAD HAMED, by his authorized)	
agent WALEED HAMED,)	
)	CIVIL NO. SX-12-CV-99
Plaintiff,)	
v.)	
)	ACTION FOR DAMAGES,
FATHI YUSUF and UNITED CORPORATION,)	INJUNCTIVE AND
)	DECLARATORY RELIEF
)	
Defendants.)	JURY TRIAL DEMANDED
)	

MOTION AND MEMORANDUM FOR ORDER TO SHOW CAUSE

Comes now the Plaintiff, by counsel, and hereby moves for an order for Robert King to show cause why he should not be held in contempt of court. In this regard, Robert King was served with a subpoena on October 26, 2012, to produce documents on November 2, 2012. See Exhibit A. No objections were raised by Robert King to the subpoena. However, no documents were produced on November 2, 2012, as required by the subpoena. See **Exhibit A**.

Thus, it is respectfully requested that this Court enter a show cause order to Robert King to explain why he should not be held in contempt of court. A proposed Order is attached.

Dated: November 6, 2012

/s/Joel H. Holt, Esq.
Joel H. Holt, Esq.
Counsel for Plaintiff
Law Offices of Joel H. Holt
2132 Company Street,
Christiansted, St. Croix
U.S. Virgin Islands 00820
(340) 773-8709
holtvi@aol.com

Plaintiff's Motion for Contempt
Page 2

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of November, 2012, I filed the foregoing with the Clerk of the Court, and delivered by ECF to the following:

Joseph A. DiRuzzo, III
Fuerst Ittleman David & Joseph, PL
1001 Brickell Bay Drive, 32nd. Fl.
Miami, FL 33131
305-350-5690
Fax: 305-371-8989
Email: jdiruzzo@fuerstlaw.com

Nizar A. DeWood
The DeWood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820
340-773-3444
Fax: (888) 398-8428
Email: dewoodlaw@gmail.com
info@dewood-law.com

/s/ Joel H. Holt

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

MOHAMMAD HAMED, *by his authorized agent* WALEED HAMED,

Plaintiff,

v.

FATHI YUSUF and UNITED CORPORATION,

Defendants.

CIVIL NO. SX-12-CV-99

ACTION FOR DAMAGES,
INJUNCTIVE AND
DECLARATORY RELIEF

JURY TRIAL DEMANDED

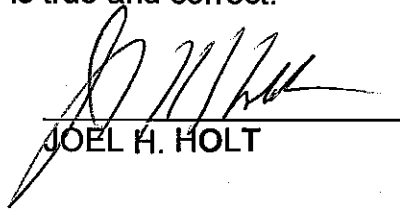
DECLARATION OF JOEL H. HOLT

I, Joel H. Holt, declare, pursuant to 28 U.S.C. Section 1746, as follows:

1. I am counsel for the plaintiffs in this case.
2. On October 26, 2012, I caused a process server to serve the attached subpoena on Robert King.
3. Robert King did not object to the subpoena.
4. Robert King did not produce any of the items on November 2, 2012, as required by the subpoena.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 6, 2012



JOEL H. HOLT



IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

MOHAMMAD HAMED, *by his authorized agent* WALEED HAMED,)
)

Plaintiff,)

v.)

FATHI YUSUF and UNITED CORPORATION,)

Defendants.)

CIVIL NO. SX-12-CV-99

ACTION FOR DAMAGES,
INJUNCTIVE AND
DECLARATORY RELIEF

JURY TRIAL DEMANDED

**SUBPOENADUCESTECUM
(RECORDS ONLY)
NO ORAL TESTIMONY WILL BE TAKEN**

TO: ROBERT KING
1212 BJERGE GADE
CHARLOTTE AMALIE, ST. THOMAS, VI 00801

PLEASE TAKE NOTICE that pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are hereby commanded to appear at the Law Office of Joel H. Holt, located at 2132 Company Street, Christiansted, VI 00820 on Friday, November 2, 2012 at 1:00 p.m. and to have with you at that time and place the any and all the documents pertinent to the items identified below, which subpoena can be complied with by the delivery of said documents to the Law Office of Joel H. Holt prior to November 2, 2012:

1. All documents in your possession related to Y & S Corporation other than communications with your client that are protected by the attorney client privilege.
2. All documents in your possession related to R & S Corporation other than communications with your client that are protected by the attorney client privilege.

10:21 AM

3. All documents in your possession related to the sale of stock transaction identified in the attached NOTICE OF PAYMENT OF PURCHASE PRICE AND AUTHORIZATION TO RELEASE STOCK CERTIFICATES, attached as Exhibit A, regarding the sale of stock by Hisham Hamed and Najah Yusef., including any privileged communications with Hisham Hamed, as the undersigned counsel represents Hisham Hamed as noted in the attached email dated October 1, 2012, attached as Exhibit B.
4. All documents showing the disbursement of any funds by you to any party regarding the proceeds from the sale of stock referenced in the attached NOTICE OF PAYMENT OF PURCHASE PRICE AND AUTHORIZATION TO RELEASE STOCK CERTIFICATES, attached as Exhibit A.

To the extent you will incur any copying or mailing expenses in complying with this subpoena, the undersigned counsel will pay for all such costs upon receipt of an invoice identifying those incurred expenses.

This subpoena is issued pursuant to Rule 45 of the Federal Rules of Civil Procedure. Pursuant to Rule 45(a)(1) (D), you are hereby advised that Rule 45(c) and (d) provide as follows:

(c) Protection of Persons Subject to Subpoenas

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of

the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or


(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When the information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Dated: October 25, 2012


Joel H. Holt, Esq.

Joel H. Holt, Esq.

Counsel for Plaintiff

Law Offices of Joel H. Holt

2132 Company Street,

Christiansted, St. Croix

U.S. Virgin Islands 00820

(340) 773-8709

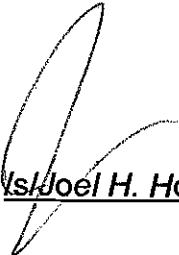
holtvi@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October, 2012, I filed the foregoing with the Clerk of the Court, and delivered by ECF to the following:

Joseph A. DiRuzzo, III
Fuerst Ittleman David & Joseph, PL
1001 Brickell Bay Drive, 32nd. Fl.
Miami, FL 33131
jdiruzzo@fuerstlaw.com

NIZAR A. DEWOOD
The Dewood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820
340-773-3444
Fax: 973-842-0755
Email: dewoodlaw@gmail.com


Joel H. Holt, Esq.

**NOTICE OF PAYMENT OF PURCHASE PRICE AND
AUTHORIZATION TO RELEASE STOCK CERTIFICATES**

To: Robert L. King, Esq.

Pursuant to that certain agreement of Sale of Stock dated June 15, 2000 by and between Hisham Hamed and Najah Yusef, as sellers, and Hakima Salem, as buyer, concerning the sellers' 1,000 shares of Y & S Corporation, a United States Virgin Islands corporation, the undersigned hereby gives you formal written notice that the purchase price has been paid in full on a timely basis and that you are authorized and directed to release the shares of stock that have been endorsed by the sellers to the buyer.

Buyer hereby authorizes and directs you to forward the endorsed shares of stock as well as the corporate minute book to:

SELLERS

BUYER

HISHAM HAMED

HAKIMA SALEM

Date: _____

Date: _____



NAJAH YUSEF

Date: Feb. 06, 2012

Subj: **Y&S Corporation**
Date: 10/1/2012 2:20:20 P.M. Atlantic Standard Time
From: Holtvi@aol.com
To: rking@attyking.com
BCC: wallyhstx@yahoo.com

Bob-Hope all is well. I am doing some legal work for Hisham Hamed. He has asked me to get some documents from you regarding the sale of stock in the Y&S Corporation to Hakima Salem. I have attached one of the documents he provided me to assist you in this request. I would appreciate it if you could forward me the following documents:

- 1) The June 15, 2000, Sale of Stock Agreement referenced in the attached document
- 2) A fully executed copy of the attached document
- 3) A copy of the stock certificate being transferred (if there was one)
- 4) Evidence showing the receipt of funds from the Buyer for this purchase (check, etc.)
- 5) A copy of all documents showing the disbursement of funds by you (if you were the one receiving the funds)
- 6) A copy of the closing statement for this transaction

Can you forward these documents? If you have any questions, please give me a call. Thx.

Joel H. Holt
2132 Company Street
Christiansted, St. Croix
Virgin Islands 00820

340-773-8709

Blumberg No. 5208

EXHIBIT

B

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

Mohammad Hamed, by his authorized
agent Waleed Hamed

Plaintiff(s)
Vs.

Fathi Yusuf and United Corporation
Defendant(s)

No. SX-12-CV-99

ACTION FOR: Damages, Injunctive and Declaratory
Relief

TO: Robert King
1212 Bjerger Gade
St. Thomas, VI 00802

AFFIDAVIT

TERRITORY OF THE VIRGIN ISLANDS)
DIVISION OF ST. THOMAS – ST. JOHN)

I, Michael A. Richardson being sworn, depose and states:

1. I am a citizen of the United States, resident of the U.S. Virgin Islands, over 18 years of age, am not a party in the above entitled action, nor related to any of the parties herein; was duly appointed as a Process Server for the Superior Court of the U.S. Virgin Islands, License No. 33/2006, which Order is still valid.

2. I received copies of Subpoena Duces Tecum SX-12-CV-99 dtd 25 Oct 12 in the above action and was able to serve as follows:

DATE RECEIVED: 25 Oct 2 DATE SERVED: 26 Oct 12 Time: 10:21 am,

PERSON SERVED: Robert King (in hand).

PLACE SERVED: 1212 Bjerger Gade, St. Thomas, VI 00802

3. Such service was personally made by delivering to and leaving with said person true copies of said Subpoena Duces Tecum SX-12-CV-99 dtd 25 Oct 12.

4. The person served was an adult and appeared mentally competent and was properly identified to be the person mentioned and described in said process or the person authorized according to law to receive such process.

5. I have made a diligent search and inquiry in N/A the person to be served but have been unable to find or learn of the whereabouts of the person and thus been unable to serve process on the said person.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29

DAY OF October, 20 12.

Michelle Connor
NOTARY PUBLIC

Michael A. Richardson
1-5 Wintberg, St. Thomas, USVI
(340) 714-4959 & (340) 642-8870

Michael A. Richardson
PROCESS SERVER

Michelle Connor
My Commission Expires August 26, 2015
NP-074-11

1/10/12

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

MOHAMMAD HAMED, by his authorized)	
agent WALEED HAMED,)	
)	CIVIL NO. SX-12-CV-99
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)	ACTION FOR DAMAGES,
FATHI YUSUF and UNITED CORPORATION,)	INJUNCTIVE AND
)	DECLARATORY RELIEF
)	
Defendants.)	JURY TRIAL DEMANDED
_____)	

ORDER TO SHOW CAUSE

This matter is before the Court on the plaintiff's motion for a show cause order to be issued to Robert King. King was served with a subpoena on October 26, 2012, to produce documents on November 2, 2012. No objections were raised by Robert King to the subpoena, yet no documents were produced on November 2, 2012, as required by the subpoena. Thus, Robert King is hereby Ordered to appear before this Court on _____, 2012, to show cause why he should not be held in contempt of this Court for failing to comply with the subpoena served on him.

Dated:

HON WILMA A. LEWIS
District Judge

ATTEST: GLENDA L. LAKE, ESQUIRE
Clerk of Court

By: _____
Deputy Clerk