

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

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

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**PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

The plaintiff, by counsel, hereby moves for partial summary judgment pursuant to Rule 56 and Rule 56.1. The basis for the motion is more fully set forth in the attached memorandum, which is incorporated herein by reference. For the reasons set forth therein, it is respectfully requested that the relief sought be granted.

**Dated:** November 12, 2012

/s/Joel H. Holt, Esq.  
**Joel H. Holt, Esq.**  
*Counsel for Plaintiff*  
 Law Offices of Joel H. Holt  
 2132 Company Street,  
 Christiansted, VI 00820

**Dated:** November 12, 2012

/s/Carl J. Hartmann, III, Esq.  
**Carl J. Hartmann III, Esq.**  
*Co-Counsel for Plaintiff*  
 5000 Estate Coakley Bay, L-6  
 Christiansted, VI 00820

Plaintiff's Rule 56 Motion  
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### CERTIFICATE OF SERVICE

I hereby certify that on this 12th 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. 2006  
Miami, FL 33131

**Nizar A. DeWood**  
The Dewood Law Firm  
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Christiansted, VI 00820

/s/Joel H. Holt, Esq.

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	)	
Defendants.	)	<b>JURY TRIAL DEMANDED</b>
_____	)	

**ORDER**

This matter is before the Court on the plaintiff's Rule 56 motion for partial summary judgment as to a portion of Count I of the amended complaint. Upon consideration of the facts before the Court, the motion is granted and summary judgment is hereby granted as to the following established facts and rights to relief:

- 1) That the plaintiff, Mohammad Hamed, has a partnership with Fathi Yusuf with regard to the operations and assets of the three Plaza Extra supermarkets known as Plaza Extra East (Sion Farm, St. Croix), Plaza Extra West (Plessen/Grove, St. Croix) and Plaza Extra St. Thomas (Tutu Park, St. Thomas);
- 2) Pursuant to 26 V.I.C. § 71(a), the plaintiff, Mohammad Hamed, is entitled to 50% of the partnership assets of, and profits generated by this partnership, but is also liable for 50% of its payables;

3) Pursuant to 26 V.I.C. § 71(f), the plaintiff, Mohammad Hamed, is entitled to fully participate in and exercise joint control of the operations of this partnership.

**Dated:**

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**Hon. Wilma A. Lewis**  
District Court Judge

Attested By Deputy Clerk:

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