

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

FATHI YUSUF and UNITED CORPORATION,)	
)	
Appellants/Defendants,)	
)	
v.)	S. Ct. Civ. No. 2013-0040
)	Re: Super. Ct. Civ. No. 370/2012(STX)
MOHAMMAD HAMED, by his)	
authorized agent, WALEED HAMED,)	
)	
Appellee/Plaintiff.)	
_____)	

**APPELLANTS' AMENDED MOTION FOR AN ENLARGEMENT OF TIME TO
FILE THEIR REPLY BRIEF**

COMES NOW Appellants/Defendants FATHI YUSUF and UNITED CORPORATION, by and through undersigned counsel, pursuant to VISCR 21. In support of this motion for expedited review, the Appellants/Defendants state as follows:

1. Appellants' reply brief was due yesterday – July 5, 2013.
2. Before the filing deadline the undersigned filed a motion for a two hour extension of time to file the reply brief.
3. At approximately 1:45 a.m., the undersigned attempted to upload the reply brief and the motion for an over-length brief. The undersigned was unsuccessful, and kept attempting to upload these documents until about 2:09 p.m.
4. At about 2:09 a.m., the undersigned sent Deputy Clerk Shantel M. Arrindell an email with the Appellants' motion for an over-length brief, proposed order, and reply brief, as evidence that the undersigned was not attempting to game the system and that the he was being truthful when he stated in his motion for a two hour extension of time to file the reply brief that he would be able to file the document by 2:00 a.m. Additionally, that there can be no allegation that the documents uploaded were different than the ones that were ready to be filed at about 2:00 a.m. this morning.

5. Earlier today, at approximately 11:30 a.m., the undersigned was able to upload the reply brief, the motion for an over-length brief, and the proposed order.

6. Appellants submit that given the technical difficulties faced with uploading the documents, and given that the documents that were upload are the very same ones that were emailed to Ms. Arrindell at 2:09 a.m., this Court should allow the belated filings.

7. The instant motion is not being made in order to gain an unfair advantage in the instant litigation; instead Appellants submit is request is reasonable under the circumstances.

WHEREFORE, in the interests of justice, it is respectfully requested that this Court enlarge the time for the Appellants to file their reply brief.

Respectfully submitted,

/s/ Joseph A. DiRuzzo, III Digitally signed by /s/ Joseph A. DiRuzzo, III
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Counsel for Appellants/Defendants Fathi Yusuf and United Corporation

Dated: July 6, 2013

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed on VISCEFS on July 6, 2013, and the undersigned certifies that Clerk will electronically serve the foregoing pursuant to Rule 15(d) on:

Joel H. Holt, Esq., counsel for Appellee/Plaintiff, 2132 Company St., St. Croix, VI 00820, holtvi@aol.com;

Carl J. Hartmann III, Esq., counsel for Appellee/Plaintiff, 5000 Estate Coakley Bay, L-6, Christiansted, VI 00820, carl@carlhartmann.com.

Respectfully submitted,

/s/ Joseph A. DiRuzzo, III

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