

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' MOTION FOR LEAVE TO FILE AN OVER-LENGTH REPLY BRIEF

COMES NOW Appellants/Defendants FATHI YUSUF and UNITED CORPORATION, by and through undersigned counsel, pursuant to VISCR 22(f). In support of this motion for expedited review, the Appellants/Defendants state as follows:

1. Appellants' reply brief in the above captioned matter is due to be filed by July 5, 2013.
2. Pursuant to VISCR. 22, Appellants' reply brief should be limited to 15 pages.
3. Appellants' reply brief exceeds the 15-page limit. Appellant's brief contains is currently 19 pages in length.
4. For the following reasons, Appellants request leave to file the reply brief in excess of the page limitation of VISCR 22.
 - a. This case involved a complicated factual background and involved a two day evidentiary hearing with extensive exhibits admitted into evidence.
 - b. The record is quite complex, with over 450 pages of transcripts and 42 exhibits.
 - c. Appellants believe that there are four issues to be discussed, many of which have discrete sub-parts. Undersigned counsel could not do justice to Appellants' arguments in fewer pages than in which that argument is contained.

d. Despite having been through multiple drafts of the brief and significant efforts to edit and truncate the arguments, undersigned counsel believes that he cannot effectively advance Appellants' substantial arguments within the page limitation contained in VISCR. 22.

5. The undersigned had prior obligations that precluded him filing the instant motion before today. Specifically, the undersigned flew on Friday June 28th, from Miami, Florida to Charleston, South Carolina, for his law school friend's wedding. On Sunday June 30th, the undersigned flew from Charleston, South Carolina to St. Thomas (via Miami). On Monday July 1st, the undersigned picked a jury before Judge Carroll in *People of the Virgin Islands v. Lenny Alfred*. On July 2nd, the undersigned flew back from St. Thomas to Miami. Accordingly, the undersigned has only had two full days to work on the Appellants Reply Brief, since Appellee filed his answering brief, to wit: July 3rd and July 5th.

And of course yesterday was the 4th of July.

WHEREFORE, in the interests of justice, it is respectfully requested that this Court permit the Appellants to file a reply brief in excess of the page limitations set forth in VISCR 22.

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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S. Ct. Civ. No. 2013-0040
 Re: Super. Ct. Civ. No. 370/2012(STX)

On Appeal from the Superior Court of the Virgin Islands

ORDER

THIS MATTER is before the Court on Appellants/Defendants’ motion to file an over-length reply brief, based on the arguments set forth in Appellants/Defendants’ moving papers, and the premises considered, it is hereby

ORDERED that said motion is hereby **GRANTED**. It is further

ORDERED that copies of this Order shall be served on the Parties.

SO ORDERED this ____ day of _____, 2013.

Justice of the Supreme Court of the Virgin Islands

ATTEST:
VERONICA J. HANDY, ESQ.
Clerk of the Court

By: _____
Deputy Clerk
Dated: _____

Copies to:
Justices of the Supreme Court
Honorable Douglas A. Brady, Superior Court Judge
Joseph A. DiRuzzo, III, Esq.

Yusuf, et al. v. Hamed

S. Ct. Civ. No. 2013-0040

Order

Page 2 of 2

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Venetia H. Velazquez, Esq., Clerk of the Superior Court

Supreme Court Law Clerks

Supreme Court Secretaries

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