

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

YUSUF YUSUF, derivatively on behalf of
PLESSEN ENTERPRISES, INC.,

Plaintiff,

v.

**WALEED HAMED, WAHEED HAMED,
MUFEED HAMED, HISHAM HAMED**
and **FIVE-H HOLDINGS, INC.,**

Defendants,

and

PLESSEN ENTERPRISES, INC.,

Nominal Defendant.

Case No. SX-13-CV-120

CIVIL ACTION FOR DAMAGES
AND INJUNCTIVE RELIEF

JURY TRIAL DEMANDED

**SUPPLEMENTAL MEMORANDUM RE
DEFENDANTS' MOTION TO STAY DISCOVERY**

On January 16, 2015, Defendants moved to stay discovery for several reasons. On April 1, 2015, Defendants filed a motion for partial summary judgment as to the equitable counts, which is incorporated herein by reference, which would also obviate the need for any such discovery on the requested equitable relief.

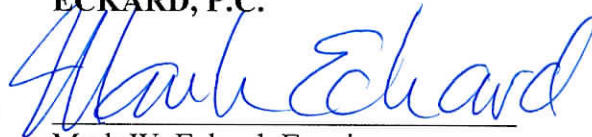
In this regard, it is undisputed that Defendants have put 100% of the amount plaintiff claims was removed from Plessen (\$460,000) in the Court's account. Thus, there is no remaining basis as to any claim for equitable relief, as there is clearly an adequate remedy at law. Thus, in addition to the other reasons for which a stay of discovery has been sought, discovery should not be permitted to these equitable counts, as such discovery is no longer needed.

Respectfully submitted,

ECKARD, P.C.

Dated: April 1, 2015

By:



Mark W. Eckard, Esquire
P.O. Box 24849
Christiansted, VI 00824
Telephone: (340) 514-2690
Email: mark@markeckard.com
Direct Dial: 340.514.2690
Office: 340.642.USVI (8784)
Facsimile: 855.456.USVI (8784)

Counsel for Waleed Hamed, Waheed Hamed,
Mufeed Hamed and Hisham Hamed

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April 2015, I served a copy of the foregoing document via email, as agreed by the parties, on the following person:

Nizar A. DeWood, Esquire
The DeWood Law Firm
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820
dewoodlaw@gmail.com

Jeffrey B.C. Moorhead, Esquire
C.R.T. Building
1132 King Street,
Christiansted, VI 00820
jeffreylaw@yahoo.com

Andrew L. Capdeville, Esq.
Law Offices of Andrew L. Capdeville, P.C.
8000 Nisky Shopping Center, Suite 201
St. Thomas, VI 00802-5844
capdeville@alevilaw.com

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

