

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

YUSUF YUSUF, derivatively on behalf of)		
Plessen Enterprises, Inc.,)		Case No. SX-13-CV-120
)		
Plaintiff,)		Civil Action for Damages
)		and Injunctive Relief
v.)		
)		JURY TRIAL DEMANDED
WALEED HAMED, WAHEED HAMED,)		
MUFEED HAMED, HISHAM HAMED,)		
and FIVE-H HOLDINGS, INC.,)		
)		
Defendants,)		
)		
and)		
)		
PLESSEN ENTERPRISES, INC.,)		
)		
_____)		
Nominal Defendant.)		

MUFEED HAMED’S FIRST INTERROGATORIES TO PLAINTIFF

PLEASE TAKE NOTICE THAT Mufeed Hamed, by and through his undersigned counsel, and pursuant to Fed.R.Civ.P. 26 and 33, as made applicable by Super. Ct. R. 39(a) and/or 7, and LRCi 33.1, requests that the above-captioned plaintiff, Yusuf Yusuf (“Plaintiff”) answer the following interrogatories (these “Interrogatories”), under oath, on or before the thirtieth (30th) day after service hereof. These interrogatories must be answered separately and fully in writing, under oath, and shall be signed and acknowledged by the person making such answers. Plaintiff’s responses to these interrogatories must be served upon Mark W. Eckard, Esquire, at Hamm Eckard, LLP, 5030 Anchor Way, Suite 13, Christiansted, VI, 00820.

PLEASE TAKE FURTHER NOTICE THAT Plaintiff is required to supplement his responses to these Interrogatories, as appropriate, in accordance with Fed.R.Civ.P. 26.

DEFINITIONS

1. “Action” means the above-captioned civil action.
2. “Complaint” means the complaint, including any subsequent amendments, which commenced this Action.
3. “Communication” means any correspondence, contact, discussion, exchange, contract, or agreement between any two or more persons. Without limiting the foregoing, "communication" includes all documents, as defined above, telephone conversations, internet communications, e-mail, facsimile transmissions, voice mail, face-to-face conversations, meetings, and conferences.
4. “Date” means the exact day, month and year, if ascertainable, or the best available approximation, including relationship to other events (designate whether exact or approximate).
5. “Describe” means to state with particularity, including but not limited to, each date, fact, event, occurrence, to identify each document, and to identify each individual who can testify as to such stated dates, facts, events, occurrences and documents.
6. “Document” means any written, recorded or graphic matter however produced or reproduced that is or has been in your possession, control or custody or of which you have knowledge, including but not limited to all electronically stored information, emails, letters, legal documents, business records, interoffice communications, notes of telephone conferences, minutes, operating statements, profit and loss statements, balance sheets, financial statements, listing and itemizing of inventories, correspondence, tapes, stenographic or handwritten notes, studies, publications, books, pamphlets, prospectuses, certificates, receipts, presentations, billing summaries, invoices, pictures, films, voice recordings, maps, graphs, reports, surveys, electronic

data processing films, statistical compilations, and every copy of such document where the original is not in your possession, custody or control or where such copy is not an identical copy of an original or where such copy contains any commentary or notation whatsoever which does not appear on the original.

7. “First Hearing Day” when used in relation to Civil No. SX-12-CV-370, and whether capitalized or not, means the first day of the hearing on the Motion for Preliminary Injunction filed by the plaintiff in Civil No. SX-12-CV-370, which hearing was held on January 25, 2013, before Honorable Douglas Brady, Superior Court Judge, on the island of St. Croix.

8. “Identify” or “identification” when used in reference to an individual person means to state his full name, residence address and telephone number (designate whether present or last known), and position and business affiliation, address and telephone number (designate whether present or last known).

9. “Identify” or “identification” when used in reference to a firm, organization, proprietorship, association, or other organization or entity, means to state its full name, address and telephone number (designate present or last known), the legal form of such organization or entity, and the identification of its chief executive officer.

10. “Identify” or “identification” when used in reference to a document means to state the type of document (e.g., letter, memorandum, telegram, contract, invoice, etc.) or some other means of identifying it, its date, author, addressee or other intended recipient, or audience, its present location, and custodian. If any such document was but is no longer in your possession or subject to your control, state its disposition.

11. “Identify” or “identification” when used in reference to a conversation, conference or meeting means to identify all persons participating or in attendance, to identify all documents prepared for or assembled in preparation for or in connection with such conversation, conference or meeting, to identify all documents recording, summarizing or otherwise arising out of such conversation, conference or meeting, and to describe the purpose of such conversation, conference or meeting, the means of communication, and all actions taken as a result of such conversation, conference or meeting.

12. “Plessen” means the above-captioned “nominal defendant,” Plessen Enterprises, Inc.

13. “Plessen Account” means Plessen’s Scotiabank account No. 05800045012.

14. “You” or “Your” means the above-captioned plaintiff, Yusuf Yusuf.

15. “Yusuf Family” or “Yusuf Family Member” means any of Fathi Yusuf, his wife or any of his sons.

B. INSTRUCTIONS

1. In answering each interrogatory, Identify each document relied upon or which forms a basis for the answer given or which corroborates the answer given or the substance of what is given.

2. Identify the person answering these interrogatories and, with respect to each interrogatory, state whether the information furnished is within such person's knowledge and, if not, Identify each person to whom the information is a matter of personal knowledge.

3. In answering each interrogatory, Identify each person who assisted or participated in preparing or supplying any of the information given or relied upon in the preparation of such answer.

4. If any of the following Interrogatories cannot be answered in full, please answer to the extent possible, specify the reason for your inability to answer the remainder and state whatever information or knowledge you have concerning the unanswered portion. Where your investigation is incomplete, give all information known as of the date of signing your answer. Where exact data is unavailable, supply estimated data, indicate that you have done so, and explain the basis on which the estimate was made.

5. If you decline to answer any interrogatory, or portion of any interrogatory, on a claim of privilege or other basis for withholding an answer, such as the work product doctrine, state each privilege or other basis for withholding claimed and describe in detail all foundational facts upon which you base such claim of privilege or basis for withholding.

6. Please attach copies of all documents identified in response to the answers to Your responses to these Interrogatories as an exhibit.

7. These Interrogatories are deemed to be continuing up to and including the first day of trial of this action. If at any time you or any person acting on your behalf obtains additional information called for by these Interrogatories between the time of your response and the time set for trial, You are required seasonably to supplement your response to these interrogatories, as appropriate, in accordance with Fed.R.Civ.P. 26.

8. The words "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the specifications all responses which might otherwise be construed to be outside its scope.

9. Terms in the plural include the singular and terms in the singular include the plural; the use of one gender shall include all others as appropriate in the context. These interrogatories are continuing in nature so as to require You to file supplemental answers if any additional or different information responsive to these interrogatories is discovered or obtained subsequent to the filing of answers to these interrogatories.

10. The parties to this Action have consented, pursuant to Fed.R.Civ.P. 5(b)(2)€ to electronic service of all documents in this Action, including discovery requests and responses.

INTERROGATORIES

INTERROGATORY NO. 1

Please Identify all Scotiabank personnel that any Yusuf Family Member or any Yusuf attorney from 2013 to the present had contact with in connection with *People v Mufeed Hamed*, SX-15-CR-352 and/or *People v Waleed Hamed*, SX-15-CR-353.

RESPONSE:

INTERROGATORY NO. 2

Please Identify any and all Scotiabank personnel that any Yusuf Family Member or Yusuf attorney from 2013 to the present had contact with regarding the March 27, 2013 withdrawal of \$460,000, check number 0376, from Plessen's Account.

RESPONSE:

INTERROGATORY NO. 3

Please Identify the source of the document marked **Exhibit 1**, how it came into the possession of any Yusuf Family Member or Yusuf attorney, when it came into possession of any Yusuf Family Member or Yusuf attorney and the identity of who provided it to the Government of the Virgin Islands.

RESPONSE:

INTERROGATORY NO. 4

Please Identify the source of the document marked **Exhibit 2**, how it came into the possession of any Yusuf Family Member or Yusuf attorney and when it came into possession of any Yusuf Family Member or Yusuf attorney.

RESPONSE:

INTERROGATORY NO. 5

Please Identify the source of the document marked Exhibit 3, how it came into the possession of any Yusuf Family Member or Yusuf attorney and when it came into possession of any Yusuf Family Member or Yusuf attorney

RESPONSE:

INTERROGATORY NO. 6

With regard to the Request To Admit that asks the following: *“ADMIT or DENY that a Yusuf Family Member or members has knowledge of when, by whom or under what circumstances the phrase “One Hamed and One Yusuf” to this card”* Describe with particularity and with reference to any related documents when, by whom and under what circumstances the phrase “One Hamed and One Yusuf” was typed on the Signature Card that is Exhibit 2 thereto.

RESPONSE:

INTERROGATORY NO. 7

Describe, with particularity as to dates and persons or documents present, all meetings, conferences or communications between any member of the Yusuf Family and Scotiabank, the VI Daily News, the VIPD, any other VI Government official, regarding the alleged embezzlement from the Plessen Account.

RESPONSE:

VERIFICATION

I hereby certify under penalty of perjury that the facts contained in each of the foregoing responses to interrogatories are true and correct to the best of my knowledge, information and belief.

Dated: _____

Yusuf Yusuf

TERRITORY OF THE UNITED STATES VIRGIN ISLANDS)

)

ss.

DISTRICT OF _____)

On this, the ____ day of _____, 2016, before me, the undersigned officer, personally appeared Yusuf Yusuf, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document and acknowledged that he/she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

Respectfully submitted,

HAMMECKARD, LLP

Dated: October 26, 2016

By:



Mark W. Eckard (VI Bar No. 1051)

5030 Anchor Way, Suite 13

Christiansted, VI 00820-4692

Telephone: (340) 773-6955

Facsimile: (855) 456-8784

Email: meckard@hammeckard.com

Counsel to Mufeed Hamed

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing was served via electronic mail and U.S. Mail on this the 26th day of October, 2016 to: Gregory H. Hodges, Esquire at ghodges@dtflaw.com, Charlotte K. Perrell, Esquire, at cperrell@dtflaw.com, and Jeffrey B.C. Moorhead, Esquire, at jeffreymlaw@yahoo.com.



EXHIBIT 1



New Amendments to
Articles - By Laws.
A Resolution

Information Gathering Form - Account for a Private Corporate Entity

NOTE: PLEASE PROVIDE ALL OF THE REQUESTED INFORMATION & DOCUMENTATION TO EXPEDITE THE ACCOUNT OPENING PROCESS; COMPLETE & RETURN THIS FORM TO THE ATTENTION OF _____

SECTION I - DETAILS OF THE COMPANY

1. Full legal name of the company: PLESSEN ENTERPRISES INC.
Trading Name(s) (if applicable): SAME AS ABOVE.

2. Mailing address of the company: P.O. BOX 763
CHRISTIANSTED
ST.CROIX, USVI 00821-0763
Physical address of the company: 4C&D ESTATE SION FARM
CHRISTIANSTED
ST.CROIX, USVI 00820

Telephone number: (340) 778-6240 Facsimile number: (340) 778-1200
E-mail address: _____ Website: _____

3. Number of employees: Full time _____ Part time _____

4. Number of years in business: 12/31/98

5. Number of years at above address: _____

6. Country of incorporation: USVI

7. Address of the Company's Registered Office: 4C&D ESTATE SION FARM
CHRISTIANSTED, ST.CROIX USVI 00820

Telephone number: 340 778-6240 Facsimile number: 340 778-1200

8. Name /address / etc. of primary company contact: WALEED HAMED
4C&D ESTATE SION FARM CHRISTIANSTED, ST.CROIX USVI 00820

Telephone number: (____) 778-6240 Facsimile number: (____) 778-1200
E-mail address: _____

9. Name and address of the company's primary banker:
BANCO POPULAR.

Name of Account Manager: Mrs. Patricia Tang Yuk
Telephone number: (340) 693-2940 Facsimile number: 340 693-2940

10. Name and address of the Law Firm that represents the company (if applicable):
BRYANT, BARNES MOSS

Name of Attorney (if specifically assigned, within the firm): CARL A. BECKSTEDT
Telephone number: (340) 773-2785 Facsimile number: 340 773-5427

11. Name and address of the company's Accountant (if applicable):
Telephone number: (____) _____ Facsimile number: (____) _____

EXHIBIT
1



12. Provide originals or certified true copies (if originals cannot be provided) of the following corporate documents:

- Certificate(s) of Incorporation / Registration;
- Memorandum and Articles of Incorporation / Association & By Laws;
- Notice of Address or Notice of Change of Address of Registered Office;
- Notice of Directors/Managers or Notice of Change of Directors/Managers;
- Notice of Appointment of Secretary and/or Notice of Change of Secretary;
- Register of Members / Shareholders, including the full name and address of each beneficial owner holding 25% or more of the Company's shares;
- Trade / Business Licenses and Registration documentation;
- Request for Name Search and/or Name Reservation;
- Certificate of Good Standing; or
- Any other documentation requested by the Account Officer.

Note: Wherever documents require renewal, a copy of the "updated" document is to be provided to Scotiabank upon each renewal / re-registration process.

13. If any of the following is itself a corporate entity then the items listed in section 12 are required for each such corporate entity, as well information regarding the following.

- Authorized signatory;
- Directors;
- Beneficial owner holding 25% or more of the Company's shares;
- Any person with principal control over the Company's assets; and
- Any person acting under a power of attorney or any other legal document.

14. Please provide personal information for each officer, director, and shareholder with more than 25% ownership of the company.

Name WALEED HAMED Title GENERAL MANAGER
 Physical Address 4 C&D ESTATE SION FARM CHRISTIANSTED ST. CROIX 00820
 Mailing Address P.O. BOX 763 CHRISTIANSTED, ST. CROIX USVI 00821-0763
 Date of Birth 01/22/1962.
 Country of Citizenship USA Telephone Number (340) 690-9395
 Email address _____ Social Security Number 580-06-4454

Name MUFEEED HAMED Title MANAGER
 Physical Address SAME AS ABOVE
 Mailing Address SAME AS ABOVE
 Date of Birth 10/1/1971
 Country of Citizenship USA Telephone Number (340) 690-0581
 Email address _____ Social Security Number 580-19-5934

Name MAHER YUSUF Title PRESIDENT
 Physical Address #14 ESTATE PLESSEN F' STED ST. CROIX USVI 00841
 Mailing Address P.O. BOX 3649 KINGSHILL, ST. CROIX USVI 00851-3649
 Date of Birth 4/28/1967
 Country of Citizenship USA Telephone Number (340) 690-9396
 Email address _____ Social Security Number 580-17-0046

Name FATHI YUSUF Title TREASURER
 Physical Address #26 A TUTU PARK MALL (ST. THOMAS)
 Mailing Address #26 A TUTU PARK MALL ST. THOMAS USVI 00802
 Date of Birth 4/15/1941
 Country of Citizenship USA Telephone Number (340) 690-9598
 Email address _____ Social Security Number 580-09-1013



12. Provide originals or certified true copies (if originals cannot be provided) of the following corporate documents:

- Certificate(s) of Incorporation / Registration;
- Memorandum and Articles of Incorporation / Association & By Laws;
- Notice of Address or Notice of Change of Address of Registered Office;
- Notice of Directors/Managers or Notice of Change of Directors/Managers;
- Notice of Appointment of Secretary and/or Notice of Change of Secretary;
- Register of Members / Shareholders, including the full name and address of each beneficial owner holding 25% or more of the Company's shares;
- Trade / Business Licenses and Registration documentation;
- Request for Name Search and/or Name Reservation;
- Certificate of Good Standing; or
- Any other documentation requested by the Account Officer.

Note: Wherever documents require renewal, a copy of the "updated" document is to be provided to Scotiabank upon each renewal / re-registration process.

13. If any of the following is itself a corporate entity then the items listed in section 12 are required for each such corporate entity, as well information regarding the following.

- Authorized signatory;
- Directors;
- Beneficial owner holding 25% or more of the Company's shares;
- Any person with principal control over the Company's assets; and
- Any person acting under a power of attorney or any other legal document.

14. Please provide personal information for each officer, director, and shareholder with more than 25% ownership of the company.

Name HISHAM HAMED Title MANAGER
 Physical Address #14 ESTATE PLESSENF' STED ST.CROIX, USVI 00841
 Mailing Address P.O.BOX 3649 KINGSHILL, ST.CROIX USVI 00851-3649
 Date of Birth 12/19/1975
 Country of Citizenship USA Telephone Number (340)690-3139
 Email address _____ Social Security Number 580-19-5947

Name YUSUF YUSUF Title MANAGER
 Physical Address 4C&D ESTATE SION FARM CHRISTIANSTED ST.CROIX USVI 00820
 Mailing Address P.O.BOX 763, CHRISTIANSTED, ST.CROIX USVI 00821-0763
 Date of Birth 4/24/1977
 Country of Citizenship USA Telephone Number (340)690-8789
 Email address _____ Social Security Number 580-21-9738

Name _____ Title _____
 Physical Address _____
 Mailing Address _____
 Date of Birth _____
 Country of Citizenship _____ Telephone Number _____
 Email address _____ Social Security Number _____

Name _____ Title _____
 Physical Address _____
 Mailing Address _____
 Date of Birth _____
 Country of Citizenship _____ Telephone Number _____
 Email address _____ Social Security Number _____



Name _____ Title _____
 Physical Address _____
 Mailing Address _____
 Date of Birth _____
 Country of Citizenship _____ Telephone Number _____
 Email address _____ Social Security Number _____

15. Are any of the signatories, officers, shareholders with more than 25% ownership, or their immediate family members; a current or former senior official in the executive, legislative, administrative, military or judiciary of a foreign government or a senior officer of a foreign Political Party, or a senior executive of any entity owned by a foreign government or do they maintain a personal or professional relationship with any such official?
 NO YES _____ (If YES, provide further details as directed by the bank officer).

16. Scotiabank's standard operating documents are generally only provided after all of the account-opening requirements have been fully satisfied. To assist in this process, please complete the following questions regarding the authorized signatories and signing instructions.

A. Provide the name and title of each individual who is authorized to sign on the company's account. Authorized signers are required to provide two pieces of ID in original form (or notarized copy only when authorized by a bank employee) - one (1) primary piece being a government-issued photo-ID (e.g., valid passport, drivers licence) and one (1) secondary piece (e.g., birth certificate, credit card, social security card, etc):

Name WALEED HAMED Title GENERAL MANAGER
 Physical Address SAME
 Mailing Address _____ AS _____
 Date of Birth _____
 Country of Citizenship ABOVE Telephone Number _____
 Email address _____ Social Security Number _____

Name MUFEEED HAMED Title MANAGER
 Physical Address _____
 Mailing Address SAME
 Date of Birth _____ AS _____
 Country of Citizenship ABOVE Telephone Number _____
 Email address _____ Social Security Number _____

Name MAHER YUSUF Title PRESIDENT
 Physical Address _____
 Mailing Address SAME
 Date of Birth _____ AS _____
 Country of Citizenship _____ Telephone Number _____
 Email address ABOVE Social Security Number _____

Name FATHI YUSUF Title TREASURER
 Physical Address _____
 Mailing Address SAME
 Date of Birth _____ AS _____
 Country of Citizenship _____ Telephone Number _____
 Email address ABOVE Social Security Number _____

Name HISHAM HAMED Title MANAGER
 Physical Address _____
 Mailing Address SAME
 Date of Birth _____ AS _____
 Country of Citizenship _____ Telephone Number _____
 Email address ABOVE . . . Social Security Number _____



Name YUSUF YUSUF Title MANAGER
 Physical Address SAME
 Mailing Address AS
 Date of Birth _____
 Country of Citizenship _____ Telephone Number _____
 Email address ABOVE. Social Security Number _____

B. Indicate the signing instructions for the above named individuals who are required to sign on the company's account (e.g., any one to sign; "A" to sign with either of "B" or "C", etc):

TWO SIGNATURES ARE REQUIRED (one named with one Yusuf).

C. Provide names and applicable instructions for persons not authorized to sign on the account, but authorized to obtain the account balance, collect account statements, mail, etc. ID documents are also required as per item # 15:

D. Provide details of any other existing accounts / relationship held with any Scotiabank Group:

E. If so requested, provide a banker's reference on the aforementioned Company, prepared on the applicable Bank's letterhead, and signed by its Manager. If the Company is newly established and does not have an existing banking relationship then the reference is to be provided on the Parent Company / Beneficial Owner(s). The bank reference should comment on the quality of the banking relationship over at least two years, provide full details of the banking arrangements including the date of establishment of the account, type of account, currency of account, present balance, average balance over the previous twelve-month period, credit history, and be specifically addressed to Scotiabank, to provide meaningful support. Facsimile or email references, or references addressed "To Whom It May Concern" are not acceptable.

SECTION 2 - PURPOSE FOR THE ACCOUNT AND ANTICIPATED ACCOUNT ACTIVITY

1. Reason &/or purpose for requiring accounts(s) with Scotiabank, (including referral source if applicable):

~~This Account is already existing~~

2. Detailed overview of the Company's primary business activity (e.g., business / products / services provided and how distributed to clients); type of operations; countries in which/ to which transactions are processed; etc. (attach brochures of articles with pertinent information):

RETAILED SUPERMARKET.



3. Financial year end: December 31, 2011
 Please provide a copy of the Company's latest financial statements or Annual Report. Attached
 If the Company is a subsidiary then provide a copy of the parent company's Annual Report, Attached
 & Corporate Tree detailing ownership particulars (as applicable). In-house financials are to be provided if
 Accountant-prepared statements are not available.

4. Indicate the type of each account required (e.g., Checking Account, Certificate of Deposit, Call Deposit) and
 services required (e.g., wire transfers, letters of credit):

CHECKING ACCOUNT

5. Scotiabank is required by law to satisfy itself as to the source of funds for deposits (e.g., from sales, dividends, inter-
 company loans, etc). Also indicate from where, &/or from whom, funds for deposits are received. (Scotiabank
 reserves the right to request additional documentary evidence to support the information provided):

RENT OF REAL PROPERTY

6. Provide details of the anticipated activity in # 7 below. Material change (i.e., in excess of 20%) in the activity
 projected, requires that the company immediately notify the Account Manager / Relationship Officer, and discuss
 with him/her whatever supporting information may be required to support the new statistics:

7. Normal & Expected Activity:

Number of checks expected to be issued in the average month: 1-50 51-100 101-150 151+
 Total \$ value; 1,000.00 \$ \$ \$ \$
Major Suppliers / Customers and average payments to them per month:

SMALL INVOICES AMOUNT

Largest amount of check (and its beneficiary) issued in the average month;

NONE

Large check payments at irregular intervals (e.g., Payment to primary auto parts supplier - ABC Suppliers Ltd -
 Sxxx per quarter; XYZ Corporation - oil & batteries supplier - Syyy semi-annually, etc);

PROPERTY TAX

Anticipated wire payments per month; NONE 1-5 6-9 10-15 15+
 Total \$ value; \$ \$ \$ \$ \$
Major Suppliers / Customers and average payments to them per month:

Number of anticipated deposits in the average month; 1-10 11-20 21-40 41+
 Total \$ value; 30,000.00 \$ \$ \$ \$



7. Normal & Expected Activity (cont'd):

<input type="checkbox"/> Composition of the above deposits	Checks	Wires	Cash	Drafts / Money Orders
Total \$ value; 30,000.00	\$	\$	\$	\$
Major Clients and average payments by them per month:				

Letters of Credit &/or Collections Payments (i.e. for goods purchased from a Supplier);
Major Clients and anticipated amounts;

NONE

8. Will this account be used to conduct business on behalf of someone other than the named account holder (s) (third party)? Yes /No. If "yes" provide details and supporting documentation for further review/discussion (as advised by the Bank Officer).
[Note for Bank: If the reply is yes, record personal information of the third party and obtain identification and two letters of reference (if the third party is a non-resident).]

9. IMPORTANT INFORMATION ABOUT UNLAWFUL INTERNET GAMBLING

The Unlawful Internet Gambling Enforcement Act of 2006 ("UIGEA" or the "Act") and its implementing Regulation GG prohibit any person from knowingly accepting payments in connection with the participation of another person in unlawful Internet gambling.

The Act generally defines "unlawful Internet gambling" as placing, receiving, or otherwise knowingly transmitting a bet or wager (as defined by the Act) by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State Law.

I/we hereby certify the above-named business does NOT engage in an Internet gambling business of any kind, either legal or illegal, and will notify Scotiabank if this activity occurs.

10. I/We certify that to the best of our knowledge the information provided herein is accurate. If there are any subsequent changes to any of the information/documentation, we will notify Scotiabank by a signed letter.

I/We authorize the Bank to obtain independent verification from any public &/or internal sources, with respect to this application and in accordance with anti money laundering & anti terrorist financing laws & regulations.

I/We acknowledge that this account will be open for review by Compliance Officers and Auditors and by local government Auditors and Inspectors, subject to appropriate confidential restrictions by the bank.

I/We further confirm that all credits to the account are and will be beneficially owned by the company (or as detailed in item # 8).

Disclosure of information:

While the Bank is committed to protect the privacy and security of the information provided, it may be necessary to disclose information:

- o In response to credit enquiries from qualified legal financial institutions (usually with respect to the customer's application at said financial institution);
- o If the Bank in its discretion reasonably deems such disclosure necessary or desirable in furtherance of the customer's business;
- o Pursuant to legal process or subpoena served on the bank, and
- o If disclosure is reasonably necessary to protect the Bank's interests (the bank will usually notify the customer where permissible under the applicable legal process).



The Customer hereby consents to and authorizes such disclosure, and the Bank shall not become liable by reason of the giving of any such information or of it's being inaccurate or incomplete.

IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify, and record information that identifies each person who opens an account.

What this means for you: When you open an account, we will ask for your name, address, date of birth, and other information that will allow us to identify you. We will ask to see two forms of identification, one of which must have a picture. We may also request other identifying documents.

Signature: 
Director / Authorized Signatory

Signature: 
Director / Authorized Signatory

Date: _____

For Bank Use Only:

Country of Risk _____

SIC Code _____

Assigned Risk Rating (H, M, L): _____

Reviewed by _____
(Bank Officer)

Date: _____

Authorized by _____
(Bank Officer)

Date: _____

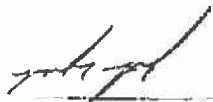


The Customer hereby consents to and authorizes such disclosure, and the Bank shall not become liable by reason of the giving of any such information or of it's being inaccurate or incomplete.

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What this means for you: When you open an account, we will ask for your name, address, date of birth, and other information that will allow us to identify you. We will ask to see two forms of identification, one of which must have a picture. We may also request other identifying documents.

Signature: 
Director / Authorized Signatory

Signature: 
Director / Authorized Signatory

Date: 2 / 3 / 12 _____

For Bank Use Only.

Country of Risk _____

SIC Code _____

Assigned Risk Rating (H, M, L): _____

Reviewed by: _____
(Bank Officer)

Date: _____

Authorized by: _____
(Bank Officer)

Date: _____

EXHIBIT 2

BUSINESS ACCOUNT SIGNATURE CARD

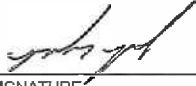
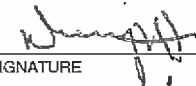
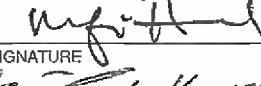
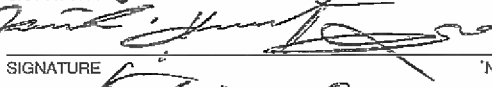
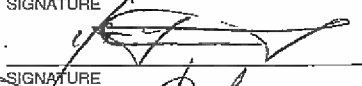
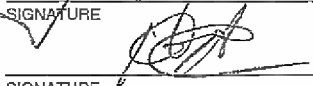
PLESSEN ENTERPRISES INC.		ACCT. NO.	05800045012
NAME OF BUSINESS			
4C&D ESTATE SION FARM		<input type="checkbox"/> CAD	<input checked="" type="checkbox"/> U.S.
ADDRESS			
CHRISTIANSTED ST.CROIX USVI			
CITY/TOWN			
		00820	
PROVINCE		POSTAL CODE	

SIGNING INSTRUCTIONS (Complete only if different than "any one (1) to sign")

ANY TWO ** One Hamed and One Yusuf

1031112 (8/01)

AUTH. INITIAL

	MAHER YUSUF/PRESIDENT.
SIGNATURE	NAME / TITLE
	WALEED HAMED/GENERAL MANAGER.
SIGNATURE	NAME / TITLE
	MUFEED HAMED/MANAGER.
SIGNATURE	NAME / TITLE
	FATHI YUSUF/TREASURER
SIGNATURE	NAME / TITLE
	YUSUF YUSUF/MANAGER.
SIGNATURE	NAME / TITLE
	HISHAM HAMED/MANAGER.
SIGNATURE	NAME / TITLE

EXHIBIT

2

EXHIBIT 3

BUSINESS ACCOUNT SIGNATURE CARD

ACCT. NO	
PLESSEN ENTERPRISES INC.	05800045012
NAME OF BUSINESS	<input type="checkbox"/> CAD <input checked="" type="checkbox"/> U.S.
4C&D ESTATE SION FARM	
ADDRESS	
CHRISTIANSTED ST.CROIX USVI	
CITY/TOWN	00820
PROVINCE	POSTAL CODE
SIGNING INSTRUCTIONS (Complete only if different than "any one (1) to sign")	
ANY TWO ** One Hamed and One Yusuf	

AUTH. INITIAL

103111Z (801)

EXHIBIT
3


SIGNATURE MAHER YUSUF/PRESIDENT.
NAME / TITLE


SIGNATURE WALEED HAMED/GENERAL MANAGER.
NAME / TITLE


SIGNATURE MUFEEED HAMED/MANAGER.
NAME / TITLE


SIGNATURE FATHI YUSUF/TREASURER
NAME / TITLE


SIGNATURE YUSUF YUSUF/MANAGER.
NAME / TITLE


SIGNATURE HISHAM HAMED/MANAGER.
NAME / TITLE

EXHIBIT 4

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

PEOPLE OF THE VIRGIN ISLANDS,)	SX-15-CR-352
)	SX-15-CR- ^{PI2-23}
Plaintiff)	
vs.)	CHARGE (S):
)	
WALEED HAMED aka "WALLY HAMED,)	EMBEZZLEMENT BY
)	FIDUCIARIES/PRINCIPALS
and)	14 V.I.C. §1091&§1094(a)(2)&§11(a)
)	GRAND LARCENY/PRINCIPALS
MUFEEED HAMED)	14V.I.C.§1083(1) & §11(a)
)	
Defendants.)	

INFORMATION

COME NOW THE PEOPLE OF THE VIRGIN ISLANDS by their Acting Attorney General, Claude Earl Walker, through the undersigned, and charge that in the Judicial District of St. Croix, Virgin Islands the following acts occurred:

COUNT ONE

On or about March 27, 2013, **WALEED HAMED aka "WALLY HAMED"**, being a person entrusted with or having in his control property for the use of any other person, and while aided and abetted by **MUFEEED HAMED** did fraudulently appropriate said property to a use or purpose not in the due and lawful execution of his trust or secreted it with a fraudulent intent to appropriate it to such use or purpose, said property having a value of one hundred dollars (\$100.00) or more, to wit: **WALEED HAMED aka "WALLY HAMED"** and **MUFEEED HAMED** while being signatories on the Scotia Bank Account ending in 5012 belonging to Plessen Enterprises Inc. for the use of Plessen Enterprises Inc., signed check number 0376 in the amount of four hundred sixty thousand dollars (\$460,000.00) and deposited said check into the personal bank account of Mufeed H. Hamed and Wally

Hamed, in violation of Title 14 V.I.C. §1091 and §1094 (a)(2) and §11(a).

(EMBEZZLEMENT BY FIDUCIARIES/PRINCIPALS)

COUNT TWO

On or about March 27, 2013, **WALEED HAMED** aka "**WALLY HAMED**", while aided and abetted by **MUFEED HAMED** and with intent to permanently deprive the owner thereof, did, unlawfully take, steal, or carry away property of another, having a value of one hundred dollars (\$100) or more, to wit: by stealing four hundred sixty thousand dollars (\$460,000.00) out of the Plessen Enterprise Inc. Scotia Bank Account ending in 5012, in violation of Title 14 V.I.C. §1083(1) & §11(a). **(GRAND LARCENY/PRINCIPALS)**

COUNT THREE

On or about March 27, 2013, **MUFEED HAMED**, being a person entrusted with or having in his control property for the use of any other person, and while aided and abetted by **WALEED HAMED** aka "**WALLY HAMED**", did fraudulently appropriate said property to a use or purpose not in the due and lawful execution of his trust or secreted it with a fraudulent intent to appropriate it to such use or purpose, said property having a value of one hundred dollars (\$100.00) or more, to wit: **WALEED HAMED** aka "**WALLY HAMED**" and **MUFEED HAMED** while being signatories on the Scotia Bank Account ending in 5012 belonging to Plessen Enterprises Inc. for the use of Plessen Enterprises Inc., signed check number 0376 in the amount of four hundred sixty thousand dollars (\$460,000.00) and deposited said check into the personal bank account of Mufeed H. Hamed and Wally Hamed, in violation of Title 14 V.I.C. §1091 and §1094 (a)(2) and §11(a). **(EMBEZZLEMENT BY FIDUCIARIES/PRINCIPALS)**

COUNT FOUR

On or about March 27, 2013, **MUFEED HAMED**, while aided and abetted by **WALEED HAMED aka "WALLY HAMED"** and with intent to permanently deprive the owner thereof, did, unlawfully take, steal, or carry away property of another, having a value of one hundred dollars (\$100) or more, to wit: by stealing four hundred sixty thousand dollars (\$460,000.00) out of the Plessen Enterprise Inc. Scotia Bank Account ending in 5012, in violation of Title 14 V.I.C. §1083(1) & §11(a). **(GRAND LARCENY/PRINCIPALS)**

WHEREFORE, the People request that the Defendant be summoned to appear and be dealt with according to law.

PEOPLE OF THE VIRGIN ISLANDS

**CLAUDE EARL WALKER
ACTING ATTORNEY GENERAL**

DATED: 11-20-15

BY:



**ESTHER R. WALTERS
CRIMINAL DIVISION CHIEF
DEPARTMENT OF JUSTICE
6040 ESTATE CASTLE COAKLEY
ST. CROIX, USVI 00820**

15 NOV 20 P12:23

ST. CROIX

AFFIDAVIT

TERRITORY OF THE VIRGIN ISLANDS)
)
DIVISION OF ST. CROIX)

SS: CHRISTIANSTED

I, Mark A. Corneiro, being duly sworn and on oath depose and say;

1. That I am a Police Sergeant employed by the Virgin Islands Police Department (VIPD) and assigned to the Economic Crime Unit formerly known as the Insular Investigation Bureau.

2. That on May 17, 2013, Mr. Maher Yusuf, Director of Plessen Enterprises, Inc. filed a report with the Virgin Islands Police Department of "Embezzlement by Fiduciaries" and reported that the Yusuf and Hamed family, each has a fifty percent (50%) interest in Plessen Enterprise, Inc. That any check written from Plessen Enterprises, Inc. has to have a signature from both families. That Waleed Hamed is the Vice-President and that he cashed a check payable to himself in the amount of \$460,000.00, which was signed by himself and Muffeed Hamed. This was done without the authorization of the Yusuf family.

3. That based on interviews and documents received, the undersigned learned the following:

a. That on May 17, 2013, Mr. Maher Yusuf of 306A Judith's Fancy, Christiansted, St. Croix, United States Virgin Islands was interviewed and stated that his brother, Yusuf Yusuf paid the property tax for Plessen Enterprise, Inc. with his credit card. That his brother was going to reimburse the charges with funds from Plessen Enterprise, Inc. That his brother used a check from the company and the bank called his father, Fathi Yusuf to notify him that there were insufficient funds in the account. The bank representative

needed money to cover the check, so that it would not be returned. Mr. Maher Yusuf stated that they had to deposit money into the account so that the check could clear. He also indicated that when they looked at a copy of the back and front of the check they noticed that the check was signed by Waleed Hamad and Mufeed Hamed. Mr. Maher Yusuf further stated that the check was deposited in Waleed Hamad's personal account.

- b. That Mr. Maher Yusuf indicated that the Board of Plessen Enterprise, Inc. comprise of the following:

Mr. Maher Yusuf	-	Director:
Mohamad Hamed	-	President;
Waleed Hamed	-	Vice-President; and
Fathi Yusuf	-	Secretary and Treasurer.

- c. Mr. Maher Yusuf stated that two signatures are required, one from the Yusuf family and one from the Hamad family. That the signature card has been updated and other members were added and he could not recall who were authorized to sign.
- d. Mr. Maher Yusuf added that both families have 50 percent shares in Plessen Enterprise, Inc. and the funds in that account were specifically for the purpose of covering expenses for the company. That no member in the Hamed family notified him or any other member of the Yusuf family that they were going to remove \$460,000.00 from the account.

- e. Mr. Maher Yusuf concluded by stating that Waleed Hamed did not have any authorization to withdraw the \$460,000.00 and that he could positively identify Waleed Hamed.
- f. That Attorney Nizar Dewood, representing the Yusuf family, provided the following documents:
 - 1. Department of Consumer Affairs print-out with a list of corporate officers.
 - 2. By-Laws of Plessen Enterprises, Inc.
 - 3. Articles of Incorporation of Plessen Enterprises, Inc.
 - 4. Civil Complaint, Case #SX-13-CV-120, Civil Action for Damages and Injunctive Relief (Yusuf Yusuf, derivatively on behalf of Plessen enterprises, Inc., Plaintiff vs. Waleed Hamed, Waheed Hamed, Mufeed Hamed, Hisham Hamed, and Five-H Holdings, Inc., Defendants, -and- Plessen Enterprises, Inc., Nominal Defendant.)
 - 5. Docketing letter and notice of judge assignment.
 - 6. Copy of Signature card for Plessen Enterprises, Inc. as of August 17, 2009.
 - 7. Letter dated April 25, 2013 addressed to Joel H. Holt, Esq.
 - 8. Notice of Depositing Funds in escrow with the clerk of court, dated April 19, 2013.
 - 9. A copy of Banco Popular de Puerto Rico (BPPR) check No. 103119000007469, dated April 18, 2013, payable to Clerk of the Superior Court.
 - 10. Government of the Virgin Islands Receipt No. 049070
- g. That the Articles of Incorporation of Plessen Enterprises, Inc. clearly states that said corporation is established to take care of the business of the corporation.
- h. An inquiry was done at Bank of Nova Scotia for documents belonging to Plessen Enterprise, Inc. Account No. 05800045012. Bank documents show that the account is a business account, there are six authorized signatories on the account three with the last name Hamed (Waleed Hamed, Mufeed Hamed

and Hisham Hamed) and three with the last name Yusuf (Maher Yusuf, Yusuf Yusuf and Fathi Yusuf). The signature card specifically requires two signatures, one from Hamed and one from Yusuf. Bank documents also show that check No. 0376 was made payable to "Waleed Hamed" in the amount of \$460,000.00, dated March 27, 2013, signed by Waleed Hamed and Mufeed Hamed, and endorsed by Waleed Hamed for deposit only to account number 058-45609811.

- i. An inquiry was also done at Bank of Nova Scotia for documents belonging to Mufeed or Wally Hamed, Account No. 058-45609811. Bank documents show that the account is a checking account and the two authorized persons are Mufeed H. Hamed and Wally Hamed. Bank documents also show that \$460,000.00 was deposited on March 27, 2013 and on March 28, 2013 check No. 1893 was signed by Mufeed Hamed made payable to Waleed Hamed in the amount of \$460,000.00.
- j. An inquiry was done at Banco Popular de Puerto Rico (BPPR) for account No. 194602753 belonging to Waleed Hamed. That bank documents show that the account is a checking account and the sole authorized person is Waleed Hamed. That on March 28, 2013, \$460,000.00 was deposited into said account. That the following checks listed below were written against said account after the deposit was made into BPPR account No. 194602753 belonging to Waleed Hamed.

Affidavit

Re: Mufeed & Waleed Hamed

Page: 5 of 6

Date	Check No.	Payee	Purpose	Amount
02APR13	2020	Carl Hartmann III	Legal Fees	\$48,784.00
02APR13	2021	Joel Holt, Esq.	Legal Fees	\$50,000.00
03APR13	2022	Arthur Pomerantz	Legal Fees	\$20,000.00
11APR13	2026	Gerald Groner Trust Acct.	Galleria St. Thomas	\$500,000.00
18APR13	2051	Clerk of the Superior Court	Plessen Enterprise Yusuf Share holder	\$230,000.00
19APR13	2054	PRLP 2001 Holdings LLC	Closing Proceeds- Galleria	\$620,562.98

- k. That an inquiry was made at Cadastral in St. Thomas by Sgt. Linda Raymond of VIPD, Insular Investigation Bureau and she located documents that showed on April 13, 2013 that Five-H Holdings, Inc. purchased the following properties: 1.) Parcel No. 18A-2 Estate Smith Bay for \$1,000,000.00, 2.) Parcel No. 18A-4 Estate Smith Bay for \$1,000,000.00, and 3.) Parcel No. 18A-5 Estate Smith Bay for \$500,000.00. Total cost was \$2,500,000.00.
- l. That investigation revealed that Mufeed Hamed and Waleed Hamed are signatories on Plessen Enterprise Inc. account. That two signatures are required on all checks drawn from Plessen Enterprise Inc. account and one has to be from the Yusuf family and the other from the Hamed family.
- m. That Mufeed Hamed and Waleed Hamed signed check No. 0376 dated March 27, 2013, made it payable to "Waleed Hamed" in the amount of \$460,000.00, and deposited it into a Scotiabank account belonging to Mufeed H. Hamed and Wally Hamed. Mufeed H. Hamed then wrote check No. 1893 payable to Waleed Hamed in the amount of \$460,000.00 on March 28, 2013 which was deposited into a Banco Popular Account No. 194602753 belonging

to Waleed M. Hamed on March 28, 2013, and the funds were used for the final purchase of the "Galleria."

- n. That Waleed Hamed with the assistance of Mufeed Hamed took the funds from Plessen Enterprise without authorization and when they were confronted about the matter and after the Yusufs sued them, they deposited \$230,000.00 on April 19, 2013 with the Clerk of the Superior Court, through their Attorney Joel H. Holt, claiming that they divided the money and paid out the shares.

WHEREFORE, the Affiant has probable cause to believe and does believe that **Mufeed Hamed** has committed the following crimes of Embezzlement by Fiduciaries/Principals in violation of Title 14 V.I.C. §1091 & §1094(a)(2) & §11(a) and Grand Larceny in violation of Title 14 V. I. C. § 1083(1); and **Waleed Hamed** has committed the following crimes of Embezzlement by Fiduciaries/Principals in violation of Title 14 V.I.C. §1091 & §1094(a)(2) & §11(a) and Grand Larceny in violation of Title 14 V. I. C. § 1083(1).


The Affiant respectfully requests that this Court issue warrants for the arrest of **Mufeed M. Hamed** and **Waleed Hamed, aka "Wally Hamed"**.

Respectfully Submitted by



Mark A. Corneiro, Sergeant
Police-Sergeant
Economic Crime Unit

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 20 day of November 2015



Notary Public