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January 10, 2017

Charlotte Perrell, Esq.
Law House
1000 Frederiksberg Gade (P.O. Box 756)
St. Thomas, U.S.V.I. 00804-0756
VIA EMAIL:

Re: Yusuf v. Hamed, SX-13-CV-120

Dear Attorney Perrell:

My client, Mufeed Hamed, received Plaintiff Yusuf Yusuf's Responses to Mufeed Hamed's First Interrogatories, First Request for Production of Documents and First Set of Requests for Admission, all dated October 26, 2016.

After reviewing the responses and objections, my client has identified the following specific deficiencies -- and requests an opportunity to confer to correct those deficiencies pursuant to Rule 37 at your earliest convenience.

General Objections to Interrogatories

GENERAL OBJECTION 1: Yusuf Yusuf objects to the Interrogatories to the extent they may impose obligations different from or in addition to those required under the Federal Rules of Civil Procedure.

Deficiency: Please identify any interrogatories where you did not respond fully due to your general objection number 1. Further, the Rules end the ability to "generally object" in this manner. Rule 33(b)(4) requires "(4) *Objections*. The grounds for objecting to an interrogatory must be stated with specificity. . . ." All objections must be specific to a given item, the item must be responded to -- and the offending language or concept identified. Thus, all of these objections are invalid.

GENERAL OBJECTION 3: Yusuf Yusuf objects to the Interrogatories to the extent they seek information which is protected by the attorney-client privilege or work-product doctrine, including information prepared

in anticipation of litigation, or for trial, by or on behalf of Yusuf Yusuf or relating to mental impressions, conclusions, opinions, or legal theories of its attorneys or representatives, or any other applicable privilege or doctrine under federal or state statutory, constitutional or common law. Yusuf Yusuf's answers shall not include any information protected by such privileges or doctrine, and documents or information inadvertently produced which includes such privileged information shall not be deemed a waiver by Yusuf Yusuf of such privilege or doctrine.

Deficiency: Please identify any interrogatories where you did not respond fully due to your general objection number 3. Further, the Rules end the ability to “generally object” in this manner. Rule 33(b)(4) requires “(4) *Objections*. The grounds for objecting to an interrogatory must be stated with specificity. . . .” All objections must be specific to a given item, the item must be responded to – and the offending language or concept identified. Thus, all of these objections are invalid.

GENERAL OBJECTION 4: Yusuf Yusuf objects to the Interrogatories to the extent that they seek information and documents concerning any matter that is irrelevant to the claims or defenses of any party to this action, and not reasonably calculated to lead to the discovery of admissible evidence.

Deficiency: This is an improper objection. Pursuant to Fed. R. Civ. P. 33(b)(3), “[e]ach interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath,” If an objection is made, “the grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure.” Fed. R. Civ. P. 33(b)(4) The purported “objections” are, therefore, not actually objections—as there is no specificity whatsoever. Further, if Defendant is claiming protection for a party or person from “annoyance, embarrassment, oppression, or undue burden or expense,” the parties must confer to attempt to resolve the dispute without court action. If no resolution is achieved, the Defendant must make a motion under Fed. R. Civ. P. 26(c)(1) for a protective order. Further, the Rules end the ability to “generally object” in this manner. Rule 33(b)(4) requires “(4) *Objections*. The grounds for objecting to an interrogatory must be stated with specificity. . . .” All objections must be specific to a given item, the item must be responded to – and the offending language or concept identified. Thus, all of these objections are invalid.

Please identify any interrogatories where you did not respond fully due to your general objection number 4.

GENERAL OBJECTION 5: Yusuf Yusuf objects to the Interrogatories to the extent that they use terms or phrases that are vague, ambiguous, or

undefined. Yusuf Yusuf s response to each such request will be based upon its understanding of the request.

Deficiency: Again, this is an improper objection, and is of no effect. If specific language is alleged by Plaintiff that Defendant has used terms or phrases that are vague, ambiguous, or undefined, Plaintiff must identify which term or phrase is objectionable with specificity. Rule 33(b)(4) requires “(4) *Objections.* The grounds for objecting to an interrogatory must be stated with specificity. . . .” All objections must be specific to a given item, the item must be responded to – and the offending language or concept identified.

Upon the receipt of such a proper objection, Defendant will either correct the language or move to compel. It is virtually impossible to deal with discovery when an objection is made to "vague" language and no language is identified as being vague. The Plaintiff has created an unhelpful situation by leaving the Defendant with the impression that it has withheld information and/or documents on the basis of this "objection," forcing Defendant to respond as though information is being withheld, but Defendant is unable to ascertain what information that is. If there are unclear or vague terms, those should be identified—if not, the objection should be withdrawn.

Please identify any interrogatories where you did not respond fully due to your general objection number 5.

GENERAL OBJECTION 6: Yusuf Yusuf objects to the Interrogatories to the extent they seek documents or information not in the possession, custody or control of Yusuf Yusuf, on the ground that it would subject him to undue burden, oppression and expense, and impose obligations not required by the Federal Rules of Civil Procedure.

Deficiency: Please identify any interrogatories where you did not respond fully due to your general objection number 6. Further, the Rules end the ability to “generally object” in this manner. Rule 33(b)(4) requires “(4) *Objections.* The grounds for objecting to an interrogatory must be stated with specificity. . . .” All objections must be specific to a given item, the item must be responded to – and the offending language or concept identified. Thus, all of these objections are invalid.

Interrogatories

ROG NO. 3: Please Identify the source of the document marked **Exhibit I**, 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: It is Yusuf Yusuf’s recollection that he obtained a physical copy directly from Scotiabank after the discovery of the check for

\$460,000.00 in an effort to investigate the matter. It is also possible that Sergeant Mark A. Carneiro received a copy of it directly from Scotiabank during his investigation as well. It is Mike Yusuf's recollection that Attorney DeWood was present when the information was provided to Sergeant Mark A. Carneiro.

Upon further inquiry, it is believed that the document was also later secured from Scotiabank pursuant to a subpoena issued in the *Hamed v Yusuf*, SX-12-CV-370 (the "370 Case").

Deficiency: This answer is non-responsive: What was the name of the Scotiabank employee who gave Yusuf Yusuf a physical copy of Exhibit 1? What line did Yusuf Yusuf access at Scotiabank—the general teller line, the Golden/Senior line, the Business Accounts line or some other line? What date did Yusuf Yusuf obtain this physical document? Provide general descriptions where specifics are not available: If exact information is not available, any facts which relate to this must be provided – if a date is not known, an approximation or general description should be given – the same as to persons.... general description, gender, etc.

Did Attorney DeWood provide a copy of Exhibit 1 to Sergeant Mark A. Carneiro? If so, what date did Attorney DeWood provide Exhibit 1 to Sergeant Mark A. Carneiro? Where did Attorney DeWood obtain of copy of Exhibit 1?

Please identify the Defendant's bates number in the 370 Case for Exhibit 1. This document was not produced in the 370 Case to Plaintiff Hamed.

ROG 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: It is Yusuf Yusuf's recollection that he obtained a physical copy directly from Scotiabank after the discovery of the check for \$460,000.00 in an effort to investigate the matter. It is also possible that Sergeant Mark A. Carneiro received a copy of it directly from Scotiabank during his investigation as well. It is Mike Yusuf's recollection that Attorney DeWood was present when the information was provided to Sergeant Mark A. Carneiro.

Upon further inquiry, it is believed that the document was also later secured from Scotiabank pursuant to a subpoena issued in the *Hamed v Yusuf*, SX-12-CV-370 (the "370 Case").

Deficiency: This answer is non-responsive. What was the name of the Scotiabank employee who gave Yusuf Yusuf a physical copy Exhibit 2? What line did Yusuf Yusuf access at Scotiabank—the general teller line, the Golden/Senior line, the Business

Accounts line or some other line? What date did Yusuf Yusuf obtain this physical document? See objections above as to general descriptions where specifics are not available.

Did Attorney DeWood provide a copy of Exhibit 2 to Sergeant Mark A. Carneiro? If so, what date did Attorney DeWood provide Exhibit 2 to Sergeant Mark A. Carneiro? Where did Attorney DeWood obtain of copy of Exhibit 3?

Please identify the Defendant's bates number in the 370 Case for Exhibit 2. This document was not produced in the 370 Case to Plaintiff Hamed.

ROG 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: It is Yusuf Yusuf s recollection that he obtained a physical copy directly from Scotiabank after the discovery of the check for \$460,000.00 in an effort to investigate the matter. It is also possible that Sergeant Mark A. Carneiro received a copy of it directly from Scotiabank during his investigation as well. It is Mike Yusuf's recollection that Attorney DeWood was present when the information was provided to Sergeant Mark A. Carneiro.

Upon further inquiry, it is believed that the document was also later secured from Scotiabank pursuant to a subpoena issued in the *Hamed v Yusuf*, SX-12-CV-370 (the "370 Case").

Deficiency: This answer is non-responsive. What was the name of the Scotiabank employee who gave Yusuf Yusuf a physical copy of Exhibit 3? What line did Yusuf Yusuf access at Scotiabank—the general teller line, the Golden/Senior line, the Business Accounts line or some other line? What date did Yusuf Yusuf obtain this physical document? See objections above as to general descriptions where specifics are not available.

Did Attorney DeWood provide a copy of Exhibit 3 to Sergeant Mark A. Carneiro? If so, what date did Attorney DeWood provide Exhibit 3 to Sergeant Mark A. Carneiro? Where did Attorney DeWood obtain the copy of Exhibit 3? See objections above as to general descriptions where specifics are not available.

Please identify the Defendant's bates number in the 370 Case for Exhibit 3. This document was not produced in the 370 Case to Plaintiff Hamed.

ROG 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: As to any meetings with Scotiabank, there were no meetings *per se*, rather, it is Yusuf Yusuf's recollection that he obtained a physical copy directly from Scotiabank after the discovery of the check for \$460,000.00 in an effort to investigate the matter. Mike Yusuf had no particular contact with any specific individual but simply made the request to whomever was present at the bank at the time.

There was no meeting with the VI Daily News. Mike Yusuf received a call from them, answered no questions and referred them to the V.I.P.D.

Mike Yusuf did file a report and met with Sergeant Mark A. Corneiro. It is Mike Yusuf's recollection that Attorney DeWood was present when the information was provided to Sergeant Mark A. Corneiro. Mike Yusuf recalls that there were a few calls between himself and Sergeant Corneiro. Sergeant Corneiro undertook his own investigation as well.

The documents received were those set forth in Exhibits 1,2 and 3. Mike Yusuf also obtained a copy of the Department of Consumer Affairs Print-Out dated February 14, 2013 from that office directly.

Deficiency: This answer is non-responsive. Please identify the following – and see objections above as to general descriptions where specifics are not available

- For **each** encounter Yusuf Yusuf had with personnel at Scotiabank regarding the alleged embezzlement from the Plessen account that you identify, please describe the following:
 - Name of the Scotia employee or employees Yusuf Yusuf met or talked with by phone
 - Date that Yusuf Yusuf and the Scotia employee or employees met or talked with by phone
 - Identify any documents that were reviewed, present or given to Yusuf Yusuf

- For **each** encounter Mike Yusuf had with personnel at Scotiabank regarding the alleged embezzlement from the Plessen account, please describe the following:
 - Name of the Scotia employee or employees Mike Yusuf met or talked with by phone
 - Date that Mike Yusuf and the Scotia employee or employees met or talked with by phone
 - Identify any documents that were reviewed, present or given to Mike Yusuf

- For **each** encounter any Yusuf family member (excluding Mike and Yusuf Yusuf) had with personnel at Scotiabank regarding the alleged embezzlement from the Plessen account, please describe the following:
 - Name of the Yusuf family member
 - Name of the Scotia employee or employees the Yusuf family member
 - Date that the Yusuf family member and the Scotia employee or employees met or talked with by phone
 - Identify any documents that were reviewed, present or given to the Yusuf family member

- For **each** encounter Yusuf Yusuf had with personnel at the VI Daily News regarding the alleged embezzlement from the Plessen account, please describe the following:
 - Name of the VI Daily News employee or employees Yusuf Yusuf met or talked with by phone
 - Date that Yusuf Yusuf and the Scotia employee or employees met or talked with by phone
 - Identify any documents that were reviewed, present or given to Yusuf Yusuf

- For **each** encounter Mike Yusuf had with personnel at the VI Daily News regarding the alleged embezzlement from the Plessen account, please describe the following:
 - Name of the VI Daily News employee or employees Mike Yusuf met or talked with by phone
 - Date that Mike Yusuf and the VI Daily News employee or employees met or talked with by phone
 - Identify any documents that were reviewed, present or given to Mike Yusuf

- For **each** encounter any Yusuf family member (excluding Mike and Yusuf Yusuf) had with personnel at the VI Daily News regarding the alleged embezzlement from the Plessen account, please describe the following:
 - Name of the Yusuf family member
 - Name of the VI Daily News employee or employees the Yusuf family member met or talked with by phone
 - Date that the Yusuf family and the VI Daily News employee or employees met or talked with by phone
 - Identify any documents that were reviewed, present or given to the Yusuf family member

- For **each** encounter Yusuf Yusuf had with personnel at the VIPD regarding the alleged embezzlement from the Plessen account, please describe the following:
 - Name of the VIPD employee or employees Yusuf Yusuf met or talked with by phone

- Date that Yusuf Yusuf and the VIPD employee or employees met or talked with by phone
 - Identify any documents that were reviewed, present or given to Yusuf Yusuf
- For **each** encounter Mike Yusuf had with personnel at the VIPD regarding the alleged embezzlement from the Plessen account, please describe the following:
- Name of the VIPD employee or employees Mike Yusuf met or talked with by phone
 - Date that Mike Yusuf and the VIPD employee or employees met or talked with by phone
 - Identify any documents that were reviewed, present or given to Mike Yusuf
- For **each** encounter any Yusuf family member (excluding Mike and Yusuf Yusuf) had with personnel at the VIPD regarding the alleged embezzlement from the Plessen account, please describe the following:
- Name of the Yusuf family member
 - Name of the VIPD employee or employees the Yusuf family member met or talked with by phone
 - Date that the Yusuf family and the VIPD employee or employees met or talked with by phone
 - Identify any documents that were reviewed, present or given to the Yusuf family member
- For **each** encounter Yusuf Yusuf had with any other VI Government official (including the USVI Department of Justice personnel) regarding the alleged embezzlement from the Plessen account, please describe the following:
- Name of the VI Government official or officials Yusuf Yusuf met or talked with by phone
 - Date that Yusuf Yusuf and the VI Government official or officials met or talked with by phone
 - Identify any documents that were reviewed, present or given to Yusuf Yusuf
- For **each** encounter Mike Yusuf had with any other VI Government official (including the USVI Department of Justice personnel) regarding the alleged embezzlement from the Plessen account, please describe the following:
- Name of the VI Government official or officials Mike Yusuf met or talked with by phone
 - Date that Mike Yusuf and the VI Government official or officials met or talked with by phone
 - Identify any documents that were reviewed, present or given to Mike Yusuf

- For ***each*** encounter any Yusuf family member (excluding Mike and Yusuf Yusuf) had with personnel any other VI Government official (including the USVI Department of Justice personnel) regarding the alleged embezzlement from the Plessen account, please describe the following:
 - Name of the Yusuf family member
 - Name of the VI Government official or officials the Yusuf family member met or talked with by phone
 - Date that the Yusuf family member and the VI Government official or officials met or talked with by phone
 - Identify any documents that were reviewed, present or given to the Yusuf family member

General Objections to Request for Production of Documents

The new rules of Federal Rules of Civil Procedure prohibit general objections. Rule 34(b)(2)(B) states in relevant part “*Responding to Each Item*. For each item or category, the response must . . . state with specificity the grounds for objecting to the request, including the reasons.” As such, your general objections 1-10 are not permitted. For each general objection, please identify which documents were withheld due to the general objection. If you can’t “state with specificity the grounds for objecting to the request, including the reasons,” please produce the documents. If you can, please make the objection and the reasons for withhold the documents to each applicable response.

Request for Production of Documents

It is now over a month since the original due date for the document production and it is over two weeks past the extension due date for the document production. Despite giving an extension, your responses to request for production of documents numbers 10, 13, 14, 17 and 20 state “To be supplemented.” This is unacceptable. Please provide all documents to my office no later than January 13, 2017.

Further, a privilege log was not included in Yusuf Yusuf’s responses. You must provide a log pursuant to Fed. R. Civ. P. 26(b)(5)(ii) for any document withheld. Please provide a copy of your privilege log to my office no later than January 13, 2017.

RFPDs NO. 5: Please provide all documents supporting your contention in the 14th paragraph of your amended complaint that “[a]fter Plessen's formation, an additional seat on the Board was created... ”.

RESPONSE: See 120-YY-00025 - 00028.

Deficiency: You provided the Department of Consumer Affairs Print-Out with a List of Corporate Officers dated February 14, 2013. Please confirm that you have no other documents in your possession that support your contention that an additional seat on the Plessen Board was created.

RFPDs NO. 6: Please provide all documents supporting your contention in the 14th paragraph of your amended complaint that "Maher was added as a director" [to the Plessen Board]."

RESPONSE: See 120-YY-00025 - 00028.

Deficiency: You provided the Department of Consumer Affairs Print-Out with a List of Corporate Officers dated February 14, 2013. Please confirm that you have no other documents in your possession that support your contention that Maher Yusuf was added as a director to the Plessen Board.

RFPDs NO. 7: Please provide all documents supporting your contention in the 14th paragraph of your amended complaint that "[t]he current members of Plessen's Board are Mohammad, Waleed, Fathi, and Maher."

RESPONSE: See 120 -YY-00025 - 00028.

Deficiency: You provided the Department of Consumer Affairs Print-Out with a List of Corporate Officers dated February 14, 2013. Please confirm that you have no other documents in your possession that support your contention that the current members of Plessen's Board are Mohammad, Waleed, Fathi and Maher.

RFPDs NO. 23: Please provide all documents supporting your contention in the 39th paragraph of your amended complaint that "even though Fathi was the officer of Plessen who had negotiated and signed all other Plessen leases."

RESPONSE: See 120-YY -00004 - 00024, 00029 - 00217.

Deficiency: None of the documents produced in response to RFPDs No. 23 evidenced support that Fathi Yusuf negotiated and signed all Plessen leases. Please confirm that you have no other documents in your possession that support the claim that Fathi Yusuf negotiated and signed all Plessen leases.

RFPDs NO. 36: Please provide all documents supporting your contention in the 72nd paragraph of your amended complaint that "As alleged in detail herein, the Hameds, Five-H, KAC357 had a unity of purpose or a common design and understanding, or a meeting of minds in an unlawful arrangement to, among other things, unlawfully misappropriate funds of Plessen and approve the Lease that unfairly benefitted KAC357 and the Hameds at the expense of Plessen and the Yusufs."

RESPONSE: See Response to Request No. 25 above.

Deficiency: None of the documents produced in response to RFPDs No. 36 references 5-H. Please confirm that you have no other documents in your possession that support your allegation that “. . . the Hameds, Five-H, KAC357 had a unity of purpose or a common design and understanding, or a meeting of minds in an unlawful arrangement to, among other things, unlawfully misappropriate funds of Plessen and approve the Lease that unfairly benefitted KAC357 and the Hameds at the expense of Plessen and the Yusufs."

RFPDs NO. 37: Please provide all documents supporting your contention in the 73rd paragraph of your amended complaint that "The Hameds, Five-H, KAC357 knowingly performed overt acts and took action to further or carry out the unlawful purposes of the subject conspiracy, including, but not limited to, Waleed's issuing and cashing of check number 0376 and KAC357's possession of the premises covered by the Lease to the conspirators' benefit and Plessen's detriment."

RESPONSE: See Response to Request No. 25 above.

Deficiency: None of the documents produced in response to RFPDs No.37 references 5-H. Please confirm that you have no other documents in your possession that support your allegation that “[t]he Hameds, Five-H, KAC357 knowingly performed overt acts and took action to further or carry out the unlawful purposes of the subject conspiracy, including, but not limited to, Waleed's issuing and cashing of check number 0376 and KAC357's possession of the premises covered by the Lease to the conspirators' benefit and Plessen's detriment."

RFPDs NO. 40: Please provide all documents supporting your contention in the 79th paragraph of your amended complaint that "Absent such documentation, Plessen is without the means to determine, among other things, if funds or assets are owed to it and, if so, how much; and if its misappropriated funds and assets were used to purchase any real or personal property, in which case it has an ownership interest in such property."

RESPONSE: See Response to Request No. 25 above.

Deficiency: Please provide any documents that support the proposition that funds or assets other than the March 28, 2013 \$460,000 check and the April 25, 2014 \$20,000 check to Attorney Moorehead are missing. If none, please respond none.

RFPDs NO. 44: Please provide all Scotiabank signature cards for the Plessen Enterprises, Inc. account, number 05800045012 that any Yusuf Family Member or Yusuf attorney submitted to the Virgin Islands Police Department personnel in connection with People v Mufeed Hamed, SX-15-CR-352 and People v Waleed Hamed, SX-15-CR -353.

RESPONSE: See 120 -YY -00285 - 00293, specifically 00290.

Deficiency: The document you provided is non-responsive to this request. The request *did not* ask for the criminal complaint, the affidavit of Sergeant Mark A. Carneiro or a listing of the documents Attorney Nizar DeWood provided to Sergeant Carneiro. Rather, requests the physical Scotiabank signature cards for the Plessen account that any Yusuf family member or attorney submitted to the VI Police Department in connection with *People v Mufeed Hamed, SX-15-CR-352* and *People v Waleed Hamed, SX-15-CR -353*. Please provide the requested documents.

RFPDs NO. 53: Please provide all documents notifying commercial entities that Waleed and /or Mufeed Hamed had been arrested in connection with *People y Mufeed Hamed, SX-15-CR-352* and *People y Waleed Hamed, SX-15-CR -353*.

RESPONSE: Upon information and belief, there are no documents responsive to this request.

Deficiency: This answer is non-responsive. Please state either “we have no documents in our possession responsive to this request” or “after conducting a thorough investigation, we have determined that we do not have any documents in our possession responsive to this request.”

Requests for Admissions

REQUEST TO ADMIT NO. 21: After reviewing Exhibit 2, ADMIT or DENY that you (the person responding to this Request) can see, as a non-expert, that the letter "O" in the phrase "One Hamed and One Yusuf" is in a different font that the letter "O" in the words "Sion" and "St. Croix" above that on the card.

RESPONSE: Denied. Responder is without sufficient knowledge or information to determine what is requested in this Request.

Deficiency: The only “knowledge” required here is to view the document and state for the record whether the responder admits or denies that the two letter “O”s are the same or different. Respond as though this were a question in a trial examination and the witness were asked the question on the stand. “Admit or deny that ‘the letter "O" in the phrase ‘One Hamed and One Yusuf’ is in a different font that the letter "O" in the words "Sion" and "St. Croix" above that on the card.’”

REQUEST TO ADMIT NO. 37: ADMIT or DENY that as of May 17, 2013, no meeting of the directors or shareholders of Plessen had voted Maher Yusuf in as a director of Plessen.

RESPONSE: Deny. Mike Yusuf was listed on the Business License as a Director of Plessen in a filing that appears to have been made by Waleed Hamed.

Deficiency: This goes to the heart of this action -- this is a blatant violation of the Rule. The inquiry is to whether any such MEETING has even occurred. That must be admitted or denied without reference to some document. Respond as though this were a question in a trial examination and the witness were asked the question on the stand: "DO YOU ADMIT or DENY that as of May 17, 2013, no meeting of the directors or shareholders of Plessen had voted Maher Yusuf in as a director of Plessen." The answer should be "Admit" or "Deny." Anything else is a violation of the Rule.

REQUEST TO ADMIT NO. 38: ADMIT or DENY that as of May 17, 2013, Maher Yusuf did not have in his possession a consent of Directors increasing the size of the board of directors for Plessen above three.

RESPONSE: Deny as Mike Yusuf was listed as a Director on the Business License for Plessen in a filing that appears to have been made by Waleed Hamed and as the business was set up to have equal governance by the two families. Furthermore, the Bylaws for Plessen provide as to signatories on checks and bank drafts that: "If the Board of Directors fails to designate persons by whom checks...may be signed...all checks...for payment of money shall be signed by the President or a Vice President and countersigned by the Secretary or Treasurer..." See Bylaws, Article V, Section 5.1(C).

Deficiency: This goes to the heart of this action -- this is a blatant violation of the Rule. The inquiry is to whether any such document is IN HIS POSSESSION. That must be admitted or denied without reference to some document. Respond as though this were a question in a trial examination and the witness were asked the question on the stand: "DO YOU ADMIT or DENY that he has any such document. The answer should be "Admit" or "Deny." Anything else is a violation of the Rule.

REQUEST TO ADMIT NO. 39: ADMIT or DENY that as of May 17, 2013, Maher Yusuf did know of any person or entity which had in its possession a consent of Directors increasing the size of the board of directors for Plessen above three.

RESPONSE: Deny as Mike Yusuf was listed as a Director on the Business License for Plessen and as the business was set up to have equal governance by the two families. See also, Response to Request to Admit #38.

Deficiency: This goes to the heart of this action -- this is a blatant violation of the Rule. The inquiry is to whether any such document is IN THE POSSESSION of a person or entity. That must be admitted or denied without reference to some document. Respond as

though this were a question in a trial examination and the witness were asked the question on the stand: “DO YOU ADMIT or DENY that any third person or entity has any such document. The answer should be “Admit” or “Deny.” Anything else is a violation of the Rule.

REQUEST TO ADMIT NO. 40: ADMIT or DENY that as of May 17, 2013, Maher Yusuf did not have in his possession a consent of Directors making him a director of Plessen.

RESPONSE: Deny as Mike Yusuf was listed as a Director on the Business License for Plessen and as the business was set up to have equal governance by the two families. See also, Response to Request to Admit #38.

Deficiency: This goes to the heart of this action -- this is a blatant violation of the Rule. The inquiry is to whether any such document is IN HIS POSSESSION. That must be admitted or denied without reference to some document. Respond as though this were a question in a trial examination and the witness were asked the question on the stand: “DO YOU ADMIT or DENY that he has any such document. The answer should be “Admit” or “Deny.” Anything else is a violation of the Rule.

REQUEST TO ADMIT NO. 41: ADMIT or DENY that as of May 17, 2013, Maher Yusuf did know of any person or entity which had in its possession a consent of Directors a consent of Directors making him a director of Plessen.

RESPONSE: Deny as Mike Yusuf was listed as a Director on the Business License for Plessen and as the business was set up to have equal governance by the two families. See also, Response to Request to Admit #38.

Deficiency: This goes to the heart of this action -- this is a blatant violation of the Rule. The inquiry is to whether any such document is IN THE POSSESSION of a person or entity. That must be admitted or denied without reference to some document. Respond as though this were a question in a trial examination and the witness were asked the question on the stand: “DO YOU ADMIT or DENY that any third person or entity has any such document. The answer should be “Admit” or “Deny.” Anything else is a violation of the Rule.

REQUEST TO ADMIT NO. 42: ADMIT or DENY that as of the date of the answers to these requests, Maher Yusuf does not have in his possession a consent of Directors increasing the size of the board of directors for Plessen above three.

RESPONSE: Deny as Mike Yusuf was listed as a Director on the Business License for Plessen and as the business was set up to have equal

governance by the two families. See also, Response to Request to Admit #38.

Deficiency: This goes to the heart of this action -- this is a blatant violation of the Rule. The inquiry is to whether any such document is IN HIS POSSESSION. That must be admitted or denied without reference to some document. Respond as though this were a question in a trial examination and the witness were asked the question on the stand: "DO YOU ADMIT or DENY that he has any such document. The answer should be "Admit" or "Deny." Anything else is a violation of the Rule.

REQUEST TO ADMIT NO. 43: ADMIT or DENY that as of the date of the answers to these requests, Maher Yusuf does not know of any person or entity which had in its possession a consent of Directors increasing the size of the board of directors for Plessen above three.

RESPONSE: Deny as Mike Yusuf was listed as a Director on the Business License for Plessen and as the business was set up to have equal governance by the two families. See also, Response to Request to Admit #38.

Deficiency: This goes to the heart of this action -- this is a blatant violation of the Rule. The inquiry is to whether any such document is IN THE POSSESSION of a person or entity. That must be admitted or denied without reference to some document. Respond as though this were a question in a trial examination and the witness were asked the question on the stand: "DO YOU ADMIT or DENY that any third person or entity has any such document. The answer should be "Admit" or "Deny." Anything else is a violation of the Rule.

REQUEST TO ADMIT NO. 44: ADMIT or DENY that as of the date of the answers to these requests, Maher Yusuf does not have in his possession a consent of Directors making him a director of Plessen.

RESPONSE: Deny as Mike Yusuf was listed as a Director on the Business License for Plessen and as the business was set up to have equal governance by the two families. See also, Response to Request to Admit #38.

Deficiency: This goes to the heart of this action -- this is a blatant violation of the Rule. The inquiry is to whether any such document is IN HIS POSSESSION. That must be admitted or denied without reference to some document. Respond as though this were a question in a trial examination and the witness were asked the question on the stand: "DO YOU ADMIT or DENY that he has any such document. The answer should be "Admit" or "Deny." Anything else is a violation of the Rule.

REQUEST TO ADMIT NO. 45: ADMIT or DENY that as of the date of the answers to these requests, Maher Yusuf does not know of any

person or entity which had in its possession a consent of Directors a consent of Directors making him a director of Plessen.

RESPONSE: Deny as Mike Yusuf was listed as a Director on the Business License for Plessen and as the business was set up to have equal governance by the two families. *See also*, Response to Request to Admit #38. *See also*, Response to Request to Admit #38.

Deficiency: This goes to the heart of this action -- this is a blatant violation of the Rule. The inquiry is to whether any such document is IN THE POSSESSION of a person or entity. That must be admitted or denied without reference to some document. Respond as though this were a question in a trial examination and the witness were asked the question on the stand: "DO YOU ADMIT or DENY that any third person or entity has any such document. The answer should be "Admit" or "Deny." Anything else is a violation of the Rule.

NOTE: If the prior six inquiries (request to admit numbers 38-45) are not responded to exactly as required under the Rule – sanctions for contempt and dismissal will be sought. This is clear, intentional evasion and an attempt to deceive the Court.

REQUEST TO ADMIT NO. 46: ADMIT or DENY that Maher Yusuf's representation, to the VI Police Department, of himself as a director of Plessen on May 17, 2013, was false.

RESPONSE: Deny as Mike Yusuf was listed as a Director on the Business License for Plessen and as the business was set up to have equal governance by the two families.

Deficiency: This goes to the heart of this action -- this is a blatant violation of the Rule. The inquiry is to whether there was any meeting, vote, consent or other activity or document that made Mike Yusuf a Director – not whether he was once listed as one somewhere. The answer should be "Admit" or "Deny." Anything else is a violation of the Rule.

REQUEST TO ADMIT NO. 47: After reviewing Exhibit 4, ADMIT or DENY that "Attorney Nizar DeWood, representing the Yusuf Family, provided the following documents" to the police investigator: (1) Department of Consumer Affairs print-out with a list of corporate officers and (2) Copy of Signature card for Plessen Enterprises, Inc. as of August 17, 2009.

RESPONSE: Admitted in so far, as with Exhibit 1, it is Yusuf Yusufs recollection that he obtained a physical copy directly from Scotiabank after the discovery of the check for \$460,000.00 in an effort to investigate the matter as part of the documents they provided. It is also possible that

Sergeant Mark A. Corneiro received a copy of it directly from Scotiabank during his investigation as well. It is Mike Yusuf's recollection that Attorney DeWood was present when the information was provided to Sergeant Mark A. Corneiro. Denied as to the reference to the date August 17, 2009.

Deficiency: This is an admit or deny question. The reservations are OK – but it should first be admitted or denied that he did provide BOTH documents.

REQUEST TO ADMIT NO. 48: ADMIT or DENY that the document provided by DeWood to the police, the "Department of Consumer Affairs print-out with a list of corporate officers" was created by filling out a form in a password protected, online DLCA website.

RESPONSE: Denied. The document provided by Attorney DeWood was secured by Mike Yusuf who requested and received a physical copy from the Department of Licensing and Consumer Affairs.

Deficiency: The inquiry goes to the creation – not the obtaining. Admit or deny that the information was entered by the Yusufs on a secure website using a password that they possessed.

REQUEST TO ADMIT NO. 49: ADMIT or DENY that a Yusuf Family Member or someone acting at the direction of a Yusuf Family Member supplied the information to the DLCA that Maher Yusuf was a director of Plessen.

RESPONSE: Denied. The printout appears to indicate that Waleed Hamed undertook to file the information as the last page indicates: Payment Information, Billing Information, First Name: Waleed, Last Name: Hamed, Card Type: VISA, Credit Card Number ...BIR Information: First Name: Waleed, Last Name: Hamed, Relationship: Vice President. It further reflects a payment of \$130.00 for the period of 01/01/2013-01/31/2014. The bottom of the page indicates that it was printed on or about 2/14/2013. That date was before any issues had arisen relating to the \$460,000.00 or the Yusufs learning of the check reported in May of 2014.

Deficiency: Same as above—Request to Admit No. 48.

REQUEST TO ADMIT NO. 53: ADMIT or DENY that on Friday, May 10, 2013, Maher Yusuf went to Scotiabank and asked that a bank employee review the signature card on file for Plessen's account.

RESPONSE: Denied as set forth. Yusuf Yusuf did request information from Scotiabank regarding the \$460,000 check and the signature instructions on file with the bank.

Deficiency: What is being sought here is the date when he did so. Did he do so on or about May 10, 2013 – admit or deny....or state lack of information or recollection.

REQUEST TO ADMIT NO. 54: ADMIT or DENY that on Friday, May 10, 2013, when Maher Yusuf went to Scotiabank and asked that a bank employee review the signature card on file for Plessen's account, he was told that the account signature card had three signatures.

RESPONSE: Denied regarding the contention as to what Mike Yusuf was told. Rather, Yusuf Yusuf did request information from Scotiabank regarding the \$460,000 check and the signature instructions on file with the bank.

Deficiency: What is being sought is the admission as to the approximate date he did this – same as above—Request to Admit No. 53.

REQUEST TO ADMIT NO. 55: After reviewing Exhibit 4, ADMIT or DENY that neither Maher Yusuf nor Nizar DeWood supplied the VIPD with a copy of a three-signature Scotiabank account signature card for Plessen.

RESPONSE: Admit as Mike Yusuf was not provided any three signature card by Scotiabank when he inquired. Further responding, the Bylaws for Plessen provide as to signatories on checks and bank drafts that: "If the Board of Directors fails to designate persons by whom checks...may be signed...all checks...for payment of money shall be signed by the President or a Vice President and countersigned by the Secretary or Treasurer..." See Bylaws, Article V, Section 5.1(C). As two Hameds occupied the positions for President and Vice President and Fathi Yusuf occupied the position of Secretary and Treasure, this provision would have required one Hamed and one Yusuf.

Deficiency: Non-responsive—this Request to Admit does not ask what document Scotiabank did or did not provide to Mike Yusuf. Admit or deny that “After reviewing Exhibit 4, ADMIT or DENY that neither Maher Yusuf nor Nizar DeWood supplied the VIPD with a copy of a three-signature Scotiabank account signature card for Plessen.” They either did or did not.

REQUEST TO ADMIT NO. 58: ADMIT or DENY that the reason the Territory of the U.S. Virgin Islands gave in its May 25, 2016, motion to dismiss the criminal charges against Waleed and Mufeed Hamed was: "the People submit that, at this time, the people will be unable to sustain its

burden of proving the charges against the Defendants to a reasonable doubt."

RESPONSE: Admit that the criminal charges were dismissed. Declarant is without information to admit or deny whether the statement is an accurate quote of a statement made in a pleading.

Deficiency: Non-responsive. ADMIT or DENY only concerning the reason the Territory of the U.S. Virgin Islands gave in its May 25, 2016 motion.

REQUEST TO ADMIT NO. 82: ADMIT or DENY that with regard to the testimony of Maher Yusuf under oath in CIVIL NO. SX-12-CV-370 "In the first hearing day, Maher Yusuf, President of United Corporation testified under oath that he used the \$2,784,706.25 withdrawn from the Plaza Extra operating account to buy three properties on St. Croix in the name of United."

RESPONSE: Admit that a portion of Mike Yusuf's testimony related to the \$2,784,706.25 withdrawn from the Plaza Extra operating account. This excerpt is the Court's paraphrase of Mike Yusuf's testimony and is not a direct quote of his testimony. Denied to the extent that it is inaccurate or incomplete as to Mike Yusuf's testimony on the subject.

Deficiency: Unresponsive. The admission does not ask about the exact language – only whether, as the Court stated: "In the first hearing day, Maher Yusuf, President of United Corporation testified under oath that he used the \$2,784,706.25 withdrawn from the Plaza Extra operating account to buy three properties on St. Croix in the name of United."

REQUEST TO ADMIT NO. 83: ADMIT or DENY that with regard to the testimony of Maher Yusuf under oath in CIVIL NO. SX-12-CV-370 "In the first hearing day, Maher Yusuf, President of United Corporation testified under oath that he used the \$2,784,706.25 withdrawn from the Plaza Extra operating account to buy three properties on St. Croix in the name of United."

RESPONSE: Admit that a portion of Mike Yusuf's testimony related to the \$2,784,706.25 withdrawn from the Plaza Extra operating account. This excerpt is the Court's paraphrase of Mike Yusuf's testimony and is not a direct quote of his testimony. Denied to the extent that it is inaccurate or incomplete as to Mike Yusuf's testimony on the subject.

Deficiency: Unresponsive. The admission does not ask about the exact language – only whether, as the Court stated: "In the first hearing day, Maher Yusuf, President of United Corporation testified under oath that he used the \$2,784,706.25 withdrawn from the Plaza Extra operating account to buy three properties on St. Croix in the name of United."

REQUEST TO ADMIT NO. 84: ADMIT or DENY that it was not true as stated by Maher Yusuf, on January 25, 2013, that United's President, Maher Yusuf, "used the \$2,784,706.25 withdrawn from the Plaza Extra operating account to buy three properties on St. Croix in the name of United."

RESPONSE: Denied as written. The funds were deposited and properties were thereafter purchased using funds from the same account in which these funds were placed.

Deficiency: Unresponsive. As the purchase was shown to have occurred on such a date that what Maher stated was impossible – whether the funds were blended or not – you must admit that those funds could not have been used.

Please let me know as soon as possible when you are able to discuss these matters, preferably this week, but no later than January 20, 2017.

Cordially,



Mark W. Eckard, Esquire
Counsel to Mufeed Hamed