

**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 MOTION TO COMPEL

Defendant Mufeed Hamed, through counsel, respectfully requests that the Court enter an order compelling Plaintiff Yusuf Yusuf to properly and fully respond to Defendant Mufeed Hamed's first set of interrogatories dated October 26, 2016 (the "Interrogatories") and first set of requests for production of documents, dated October 26, 2017 (the "Requests for Production of Documents").

WHEREFORE, for the reasons set forth herein, in the supporting Memorandum of Law filed contemporaneously herewith, in any reply in further support hereof and in any arguments adduced at oral argument and/or in any other paper touching upon this Motion, Defendant Mufeed Hamed respectfully requests that the Court grant an order compelling Plaintiff to properly and fully respond to the Interrogatories and Request for Production of Documents and grant to Defendant Mufeed Hamed such other and further relief as is just and proper.

Respectfully submitted,

HAMMECKARD, LLP

Dated: May 3, 2017

By: 

Mark W. Eckard, Esquire (VI Bar No. 1051)
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Counsel for Waleed Hamed, Waheed Hamed,
Mufeed Hamed, Hisham Hamed and Five-H
Holdings, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2017, I caused a true and correct copy of the foregoing document to be served upon the following, via email, pursuant to the agreement of the parties, at:

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MUFEED HAMED’S MEMORANDUM IN SUPPORT OF MOTION TO COMPEL

Defendant Mufeed Hamed seeks an Order compelling Plaintiff Yusuf Yusuf to respond to discovery requests and produce certain documents. Repeated conferences and requests to provide these responses are detailed below.

I. RELEVANT FACTUAL AND PROCEDURAL HISTORY

Defendant Mufeed Hamed seeks an Order compelling Plaintiff Yusuf Yusuf to respond to discovery requests and produce certain documents.

On October 26, 2016, Plaintiff Mufeed Hamed served his first set of request for discovery on Defendant Yusuf Yusuf.

Yusuf responded to these requests on December 19, 2016.

Hamed’s counsel then sent an initial Rule 37 meet and confer letter on January 10, 2017.

A meet and confer was held by teleconference on February 3, 2017. Hamed's counsel sent a letter summarizing the February 3, 2017 meet and confer discussion on February 14, 2017.

Yusuf's counsel responded on February 27, 2017 to Hamed's initial meet and confer letter of January 10, 2017. This letter provided additional information as to Yusuf's discovery responses. (However, Yusuf did not file amended discovery responses, nor did he verify the new interrogatory responses contained in his counsel's letter of February 27, 2017.)

Hamed's counsel then sent a letter on March 22, 2017 requesting (1) that amended and verified discovery answers be propounded by March 29, 2017, (2) that document requests be answered (as a number were answered with "to be supplemented") and (3) identifying areas of disagreement that would be the subject of a motion to compel if not corrected. **Exhibit 1.**

On April 7, 2017, Yusuf's counsel sent a verification of the February 27, 2017 amended interrogatories, but did not respond to the areas of continued disagreement, including items "to be supplemented."

On April 12, 2017, Hamed's counsel sent an email containing a draft Motion to Compel to Yusuf's counsel in the hopes of being able to resolve the outstanding discovery issues. Hamed's counsel did not receive a response to that email.

A certification of good faith efforts to V.I. R. CIV. P. 37(a)(1). **Exhibit 2.**

II. STANDARD

Federal Rule of Civil Procedure 26(b)(1) provides:

Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

Information within this scope of discovery need not be admissible in evidence to be discoverable.

III. ANALYSIS: WITH THE SPECIFICS OF HAMED'S REQUESTS AND YUSUF'S RESPONSES

A. INTERROGATORIES

1. Interrogatory #4: Plaintiff has not identified how Exhibit 2 came into the possession of the Yusuf family or Yusuf attorney

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.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Interrogatory No. 4: As a result of the additional investigation, it is Plaintiff's position that the Yusufs did not have possession of this document and believe that it was sourced directly from Bank of Nova Scotia pursuant to subpoena in the "370" case. This document appears to have been produced in the companion "370" case as it bears bates number FY004502 and was produced in that case on May 16, 2014. It also appears that the electronic signature page was provided by Bank of Nova Scotia (FY004504), the date along the side appears to indicate a screen shot on April 30, 2014 as well as an undated Intake Gathering Form (FY004494-004501) and a copy of the payment to Jeffrey Moorehead (FY004503) were all received from Bank of Nova Scotia on or about that same time in 2014 and produced in the "370" case in May, 2014.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: The only two document productions that Plaintiff served (as Defendant) in the "370" case from Scotiabank were on September 10, 2014 and September 24, 2010, both after the date of the May 16, 2014 production referenced in your response. Please produce any evidence that your client subpoenaed records or were given records prior to May 16, 2014 from the Bank of Nova Scotia. If unable to do so, please revise the response to Interrogatory 4, serve the amended response with your client's verification and file a notice with the Court by March 29, 2017. If the response and verification are not filed and served by that date, then a motion to compel regarding Interrogatory 4 is appropriate.

2. Interrogatory #5: Plaintiff has not identified how Exhibit 3 came

into the possession of the Yusuf family or Yusuf attorney

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.

February 27, 2017 Letter Response from Plaintiff Yusuf's

Counsel: As to Interrogatory No. 5: Upon further investigation, it is Plaintiff's position that the Yusufs did not have possession of this document and believe that it was sourced directly from the Bank of Nova Scotia. See Response to Interrogatory No. 3 as to the documents in Plaintiffs possession.

March 22, 2017 Letter Response from Defendant Hamed's

Counsel: Response to Interrogatory No. 3 does not state "how it [Exhibit 3] 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."

Please produce any evidence that your client subpoenaed records or received records from the Bank of Nova Scotia and obtained Exhibit 3 as a part of that production, including the bates number. If you cannot identify how and when you received the document from Scotiabank, say so. Please revise the response to Interrogatory 5, serve the amended response with your client's verification and file a notice with the Court by March 29, 2017. If the response and verification are not filed and served by that date, then a motion to compel regarding Interrogatory 5 is appropriate.

3. Interrogatory #7: Plaintiff did not fully respond

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.

December 19, 2016 Yusuf 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.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Interrogatory No. 7: Plaintiff incorporates by reference his response to Interrogatory No. 3 above as responsive to this request and providing further clarification as requested.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: Please confirm that Mike Yusuf did not have contact with any other VI Government official.

Please also confirm that Yusuf Yusuf had no contact with the VI Daily News, the VIPD and any other VI Government official.

Please confirm that Fathi Yusuf had only one contact with the VIPD regarding this matter and had no contact with the VI Daily News or any other VI Government official.

Please confirm that Nejeh Yusuf and any other Yusuf family members (excluding Fathi, Mike and Yusuf Yusuf) had no contact with the VI Daily News, the VIPD and any other VI Government official.

B. REQUESTS FOR THE PRODUCTION OF DOCUMENTS

1. Requests 5-7: Plaintiff has not updated Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents with the newly provided information for RFPDs Nos. 5-7

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...".

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]."

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."

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Produce No. 5, 6, 7: Other additional information responsive is the Intake Gathering Form from the Bank of Nova Scotia which was signed by both Walleed Hamed as well as Mike Yusuf which reflects that Mike was a director as well as Mohammed Hamed's sworn interrogatory responses in which he too believed that Mike Yusuf was a director. These documents are already of record in this case. Further responding, Plaintiff shows that Response to Interrogatory No. 10, is responsive to this RTP:

Subject to the above-stated objections and without waiving any objections, Yusuf Yusuf shows that date of "March 27, 2017" is obviously incorrect. To the extent that the date is assumed to mean "March 27, 2013," Yusuf Yusuf shows that Mohammed Hamed, who previously served as President and was a director is now deceased. Fathi Yusuf has always served as the Secretary and Treasurer and has been a director. The Yusuf's were under the belief that Mike Yusuf was a director of United as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

Yusuf Yusuf shows that the corporate records for Plessen were outside any of the parties' control for years following the FBI raid in which the corporate records were seized. In April, 2014, Carl Beckstedt prepared corporate documents to reflect Mike's position as a director. Attorney Holt advised Carl Beckstedt to the contrary.

However, Attorney Beckstedt did not comply but rather advised that he would need to confirm with the parties. Nonetheless, there is not an executed document in the official corporate record book reflecting Mike Yusuf's position as a director.

The powers and the duties of the President and the Vice President were limited by the Bylaws, including Article V, Section 5.1(e) which requires checks to be signed by either the President or Vice President and then countersigned by the Secretary or Treasurer. This would require that one Hamed and one Yusuf would ultimately be signing all checks. In addition, in mid-to-late 2011, all checks thereafter were signed by one Hamed and one Yusuf, with the exception of the \$460,000.00 check. No officer was allowed to remove funds from the account without the dual family signatures and this was the accepted restriction agreed to by the two families in addition to the other restrictions already imposed by Article V of the Bylaws.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: Please update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents with this additional information and file a notice with the Court by March 29, 2017. . . .

2. Requests 10, 17 and 20: Plaintiff must produce documents responsive to RFPDs Nos. 10, 17 and 20 – a response of “such information was learned from bank records and other publically [sic] available information” is not sufficient

RFPDs No. 10: Please provide all documents supporting your contention in the 19th paragraph of your amended complaint that "Upon information and belief Waleed is the President of Five-H and one of its principal beneficial owners. Upon information and belief Waheed, Mufeed, and Hisham are all officers and beneficial owners of Five-H."

RFPDs No. 17: Please provide all documents supporting your contention in the 28th paragraph of your amended complaint that "Yusuf subsequently learned that Waleed used the misappropriated money to purchase commercial property on the East End of St. Thomas in the name of Five-H where a store named Moe's Fresh Market was later opened and is now operating."

RFPDs No. 20: Please provide all documents supporting your contention in the 33rd paragraph of your amended complaint that "Further, the Hameds and Five-H among other improper acts, have

individually and collectively obtained the benefit, use and enjoyment of Plessen's misappropriated funds by using these funds, upon information and belief, to purchase real estate on which the Hameds now operate a new grocery store and market called Moe's Fresh Market, with the seed money provided by Waleed's unauthorized draw on Plessen's bank account."

February 3, 2017 Meeting Summary: Plaintiff's attorney agreed to provide a response to document request numbers 10, 13, 14, 17 and 20 within 15 days, or by February 21, 2017.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Produce 10, 13, 14, 17 and 20: As to RTP 13, 14 see FY10344. As to RTP 10, 17 and 20, such information was learned from bank records and other publically [*sic*] available information.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. Provide all documents you have referenced "such information was learned from bank records and other publically [*sic*] available information." Please produce those documents, update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents and file a notice with the Court by March 29, 2017. . . .

3. Requests 13 & 14: Answers are completely unresponsive to the document request

RFPDs No. 13: Please provide all documents supporting your contention in the 24th paragraph of your amended complaint that "24. On or about March 27, 2013, Yusuf paid with his personal Banco Popular Visa credit card the 2011 real property taxes of Plessen."

RFPDs No. 14: Please provide all documents supporting your contention in the 25th paragraph of your amended complaint that "Yusuf was reimbursed for such payment by way of a check drawn on Plessen's bank account with Scotiabank."

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Produce 10, 13, 14, 17 and 20: As to RTP 13, 14 see FY10344. As to RTP 10, 17 and 20, such information was learned from bank records and other publically [*sic*] available information.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: The document you referenced is a Scotiabank business checking account statement for Plessen Enterprises, Inc, dated June 30, 2013. It is completely unresponsive to the request.

4. Requests 23, 36, 37 & 40: Plaintiff must produce responsive documents

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."

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."

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."

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."

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Admit No. 84, we continue our review of the documentation and will supplement. The same is true for Requests for Production of Documents No.s 23, 36, 37, 40 and 44.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. Produce the

documents, update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents and file a notice with the Court by March 29, 2017. . . .

5. Request #44: Answer is completely unresponsive to the document request

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.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: It appears that the signature cards were not in possession of the Yusufs and were not provided to the VIPD or the Attorney General's office. Rather, the information provided to the VIPD is as listed in the Affidavit of Mark Affidavit at page 3. Subsequently, the Intake Gathering form was not provided until March of 2016 when requested by Attorney Roberson. The documents provided to Roberson were Bates Stamps 12-YY-000273-281.

Further responding, a copy of the Police Report dated May 17, 2013, which was produced with a brief filed by the Bank of Nova Scotia in its Motion to Dismiss in the Scotia Suit, demonstrates that Fathi Yusuf also may have been present during the May 17, 2013 meeting. It is Mike Yusuf's recollection after having reviewed the Police Report, that Fathi Yusuf may have been present for a short period but did not remain for the entire time. The Police Report further provides that both Fathi Yusuf and Mike Yusuf explained "that both families had a verbal agreement that any check signed against Plessen Enterprises, Inc. would need the signature of at least one member of each family."

Further, according to the Police Report, Mike Yusuf explained that originally the signatures were to be one signature and that he, Fathi Yusuf and Waleed were authorized signors, that later this had been updated and he did not recall who was authorized but that they had a verbal agreement that one person from the Hamed and one person from the Yusuf would sign the check.

Further responding, Plaintiff clarifies that the signature card provided to the VIPD was as indicated in Officer Corneio's Affidavit at page 3, item #6, which is the the [sic] August 17, 2009 signature card from Bank of Nova Scotia.

* * *

As to Request to Admit No. 84, we continue our review of the documentation and will supplement. The same is true for Requests for Production of Documents No.s 23, 36, 37, 40 and 44.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. Produce the documents, update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents and file a notice with the Court by March 29, 2017. If the documents are not produced by that date, then a motion to compel regarding RFPD 44 is appropriate.

6. Request #53: Answer is completely unresponsive to the document request

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

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Produce No. 53: Plaintiff incorporates his response to the Second Set of Discovery, Request to Produce No. 9 as if fully set forth herein verbatim as his further response and clarification of Request to Product No. 53.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: Your answer is completely unresponsive to the request because your client's response to the Second Set of Discovery, Request to Produce No. 9 "Yusuf Yusuf is unaware of documents responsive to this request" is not sufficient. You must confirm that a thorough investigation was done to determine whether any documents exist pertaining to meetings, conferences or communications between any member of the Yusuf Family and vendors selling to the Hamed family business regarding the alleged embezzlement from the Plessen Account and that no documents were discovered as a result of that investigation. Checking with Yusuf Yusuf alone is not a sufficient investigation. A motion to compel regarding RFPD 53 is appropriate.

C. REQUEST FOR ADMISSIONS

1. Request #21: Plaintiff must admit or deny

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 than the letter "O" in the words "Sion" and "St. Croix" above that on the card.

December 19, 2016 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 than the letter "O" in the words "Sion" and "St. Croix" above that on the card.'"

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will not be changing this response. Accordingly, this request is ripe for a motion regarding the sufficiency of an answer or objection.

2. **Request #37: This request goes to the very heart of this action of whether a meeting occurred or not, and must be admitted or denied (without reference to a document)**

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.

December 19, 2016 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.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: Plaintiff did not update his response. A motion to compel regarding Request to Admit No. 37 is appropriate.

3. **Request #38: Request to Admit No. 38-45 asks whether Maher Yusuf or someone else had a document in his/her possession and therefore the response should either be admitted or denied without qualification**

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.

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.

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.

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.

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.

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.

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.

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.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Requests to Admit No.'s 38-45: Each of these requests seek admission that a documented meeting of the Board of Directors did not take place to increase the size of the Board so as to include Mike Yusuf as a Director in addition to the original three members of the Board, Mohammed Hamed, Waleed Hamed and Fathi Yusuf. Plaintiff admits that apparently no such official meeting took place and that there exists no documentation evidencing such a meeting or resolution. However, further

responding, Plaintiff denies that this means there is no evidence that Mike Yusuf was a director of Plessen. Rather, Plaintiff shows that his responses to the Second Set of Discovery, Request to Produce No. 10 is responsive and incorporates same herein by reference. Specifically, Plaintiff shows that:

...Yusuf Yusuf was under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflecting in the August 17, 2009 bank records.. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al., sx -12 -370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

While Defendants attempt to contend that this information is unresponsive to the requests to admit, we respectfully disagree. This evidence demonstrates Mike Yusuf's role as a *de facto* director; i.e. a person who is in possession of an office or is exercising the functions thereof under color of authority. The legal theory of a *de facto* director or officer is widely acknowledged.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. . . .

4. **Request #46: Request to Admit No. 46 asks whether Mike Yusuf's representation to the VI Police Department as a director of Plessen was false, which should elicit either an admit or deny without qualifying language**

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.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Admit No. 46: Plaintiff maintained his same response of Deny. Further responding Plaintiff shows:

Yusuf Yusuf was under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government

Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflecting in the August 17, 2009 bank records.. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al., sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12 -YY-00509-511.

While Defendants attempt to contend that this information is unresponsive to the requests to admit, we respectfully disagree. This evidence demonstrates Mike Yusuf's role as a *de facto* director; i.e. a person who is in possession of an office or is exercising the functions thereof under color of authority. The legal theory of a *de facto* director or officer is widely acknowledged.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 46 is appropriate.

5. **Request #47: Plaintiff simply needs to admit or deny that Attorney DeWood provided the two documents listed to the police investigator, additional qualification is not allowed**

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.

December 19, 2016 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 Yusufs 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.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Admit No. 47: Plaintiff reasserts his original response. Further responding, Plaintiff incorporates his Response to Interrogatory No. 3 as set forth above. To be clear, Attorney DeWood provided those documents as listed in the affidavit of Mark Corneiro at p. 3 of his Affidavit.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 47 is appropriate.

6. **Request #48: This simply asks to admit or deny that a document was created by filing out a form in a password protected online DLCA website, qualifying language regarding how the document was *obtained* is not allowed**

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.

December 19, 2016 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.

January 10, 2016 Letter Response from Defendant Hamed's Counsel: 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.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Admit No. 48 and 49: Plaintiff reasserts his original responses to these Requests to Admit and believes them to be accurate and sufficient responses.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 48 is appropriate.

7. **Request #49: This can be answered with a simple admit or deny, qualifying language is not allowed**

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.

December 19, 2016 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.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Admit No. 48 and 49: Plaintiff reasserts his original responses to these Requests to Admit and believes them to be accurate and sufficient responses.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 49 is appropriate.

8. Request #53: This can be answered with a simple admit or deny regarding the date an event occurred, qualifying language is not allowed

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.

December 19, 2016 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.

January 10, 2016 Letter Response from Defendant Hamed's Counsel: 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.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Admit No. 53: Plaintiff reasserts his original response to this Request to Admit. It was Yusuf Yusuf who requested information from Scotia Bank. Plaintiff Incorporates his Response to Interrogatory No. 3 as set forth above as providing

additional detail regarding the receipt of information from Scotia Bank.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 53 is appropriate.

9. **Request #54: This can be answered with a simple admit or deny regarding the approximate date an event occurred, qualifying language is not allowed**

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.

December 19, 2016 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.

January 10, 2016 Letter Response from Defendant Hamed's Counsel: What is being sought is the admission as to the approximate date he did this – same as above—Request to Admit No. 53.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Admit No. 54: Plaintiff reasserts his original response to this Request to Admit. It was Yusuf Yusuf who requested information from Scotia Bank. Plaintiff Incorporates his Response to Interrogatory No. 3 as set forth above as providing additional detail regarding the receipt of information from Scotia Bank.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 54 is appropriate.

10. **Request #58: This can be answered with a simple admit or deny concerning the reason the Territory of the US Virgin Islands gave regarding its May 25, 2016 motion to dismiss charges against Waleed and Mufeed Hamed**

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."

December 19, 2016 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.

February 3, 2017 Meeting Summary: Defense counsel's paralegal provided a copy of the Motion to Dismiss in both SX-15-CR-352 and 353. Plaintiff's counsel will review and determine whether to admit or deny this admission.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Admit No. 58: Plaintiff reasserts his original response to this Request to Admit.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 58 is appropriate.

11. Request #82 requires a simple admit or deny, qualifying language is not allowed

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, Mahar 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."

December 19, 2016 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.

January 10, 2016 Letter Response from Defendant Hamed's Counsel: Unresponsive. The admission does not ask about the exact language – only whether, as the Court stated: ""In the first hearing day, Mahar 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."

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Admit No. 82: Plaintiff reasserts his original response to this Request to Admit.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 82 is appropriate.

12. Request #83: Requires a simple admit or deny, qualifying language is not allowed

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."

December 19, 2016 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.

January 10, 2016 Letter Response from Defendant Hamed's Counsel: 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."

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will "follow up" and respond to this deficiency within 15 days from the date of the meet and confer. Please respond with either an "Admit" or "Deny," otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Admit No. 83: Plaintiff reasserts his original response to this Request to Admit.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 83 is appropriate.

13. Request #84: Must be answered, almost three months have gone by since a response was due

REQUEST TO ADMIT NO. 84: ADMIT or DENY that is 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."

December 19, 2016 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.

January 10, 2016 Letter Response from Defendant Hamed's Counsel: 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.

February 27, 2017 Letter Response from Plaintiff Yusuf's Counsel: As to Request to Admit No. 84, we continue our review of the documentation and will supplement.

March 22, 2017 Letter Response from Defendant Hamed's Counsel: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 84 is appropriate.

Respectfully submitted,

HAMMECKARD, LLP



Dated: May 3, 2017

By:

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Counsel for Waleed Hamed, Waheed Hamed,
Mufeed Hamed, Hisham Hamed and Five-H
Holdings, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2017, I caused a true and correct copy of the foregoing document to be served upon the following, via email, pursuant to the agreement of the parties, at:

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EXHIBIT 1



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March 22, 2017

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Re: *Yusuf Yusuf et. al. v Mohammad Hamed et. al. and Plessen Enterprises, Inc., SX-13-cv-120*

Dear Charlotte:

This is a follow up to our February 3, 2017 Rule 37 meet and confer and your February 27, 2017 letter responding to our initial January 10, 2017 Rule 37.1 letter. The following concerns Plaintiff Yusuf Yusuf's Responses to Mufeed Hamed's First Interrogatories, First Request for Production of Documents and First Set of Requests for Admission, which were submitted on October 26, 2016.

While we have reviewed the additional information provided in your February 27, 2016 letter, you must amend and serve Plaintiff Yusuf Yusuf's Responses to Mufeed Hamed's First Interrogatories, First Request for Production of Documents and First Set of Requests for Admission with the newly provided information.

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.

February 3, 2017 Meeting Summary: With respect to General Objections 1-6, Plaintiff's attorney confirmed that no responses to interrogatories were withheld on the basis of the general objections. Please update your responses by either withdrawing the general objections (which would comport with Rule 33) or indicate that no responses were withheld on the basis of the general objections.

Deficiency: Please update your responses by either withdrawing the general objections (which would comport with Rule 33) or indicate that no responses were withheld on the basis of the general objections. Please file a notice with the Court and serve those amended responses.

Interrogatories

ROG 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: 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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that Yusuf Yusuf obtained Exhibit 1, Scotiabank Information Gathering Form – Account for a Private Corporate Entity, dated February 3, 2012, directly from Scotiabank sometime after March 27, 2013 (the date of the \$460,000 check written on the Plessen account) and before the present lawsuit was filed on April 16, 2013. Please update your client's response to Interrogatory No. 3 to reflect this new information.

Plaintiff's attorney further noted that she did not know whether Attorney DeWood gave Exhibit 1 to Sergeant Mark A. Carneiro or if he merely shared it with him. She agreed to follow up with Attorney DeWood to determine where he got Exhibit 1, whether he shared or provided it to Sergeant Carneiro and what date that sharing or giving of Exhibit 1 to Sergeant Carneiro occurred. Please update your client's response after completing your investigation with respect to Exhibit 1 – how it came into the possession of any Yusuf attorney, when it came into possession of any Yusuf attorney and the identity of who provided it to the Government of the Virgin Islands.

Finally, Plaintiff's attorney stated that none of the documents that were produced to Defendants pursuant to subpoenas issued to Scotiabank in *Hamed v Yusuf*, SX-12-CV-370 were bates numbered. However, on September 25, 2014, in its Rule 26(a)(1)(A) disclosures, Plaintiff's attorney provided "Scotiabank account records received in response to a Subpoena Duces Tecum and attached and designated FY 010263 - 010946." Exhibit 1 was not contained in those bates numbered documents. Additionally, on September 30, 2014 in its Rule 26(a)(1)(A) disclosures, Plaintiff's attorney provided "Scotiabank account records received in response to a Subpoena Duces Tecum, attached and designated FY 010987 – 011468." Exhibit 1 also was not contained in those bates numbered documents. Please update your client's response to Interrogatory No. 3 to reflect this corrected information.

February 27, 2017 Letter Response from Attorney Perrell: As to Interrogatory 3, Plaintiff shows that clarification as to the documents received and provided are as set forth in the responses to the Second Round of Discovery. Specifically, Plaintiff shows that Response to Interrogatory 8 set forth below is responsive to clarify Interrogatory 3.

Subject to the above-stated objections and without waiving any objections, shortly after March 27, 2013, when the \$460,000.00 check was cashed by Waleed Hamed and Mufeed Hamed, Yusuf Yusuf went to the Sunny Isle Branch of Scotia Bank in person and asked to speak with someone regarding information on a commercial account. Ms. Yvette Clendenen from Scotia Bank was called to speak with Yusuf Yusuf. During that conversation, Yusuf Yusuf inquired about Plessen account and the monies that had been removed. Ms. Clendenen showed Yusuf Yusuf the balance in the Plessen account, the monies which had been taken out and provided him a photocopy of the \$460,000.00 check front and back. The next day, Yusuf Yusuf returned to the Sunny Isle Branch of Scotia Bank and asked for Ms. Clendenen. During this conversation, Yusuf Yusuf asked her for a copy documents in the bank's files as to the persons authorized to sign checks on behalf of Plessen. Ms. Clendenen provided a copy of the Intake Gathering Form from Scotia Bank's physical file. A true and correct copy of the documents received are attached hereto as Bates Stamped - 12-YY-0001-2; 000273-281.

It is Mike Yusuf's recollection that in mid-to-late 2011 or early 2012, that it was determined that two signatures would be required, one Hamed and one Yusuf and that the Mike Yusuf and Waleed Hamed separately went into Scotia Bank and executed the documents with this requirement.

This change is also reflected in the signatures on the checks from the Plessen account. From September, 2011, all checks written bear one Hamed and on Yusuf signature. The exception to this is the \$460,000.00 check which bears two Hamed signatures. See Bates Stamped documents, 12-YY-00489-501, which are the checks written on the Plessen account each containing two signatures, one Hamed and one Yusuf after September of 2011.

On May 17, 2013, Attorney Nizar DeWood and Maher Yusuf met with VIPD Officer Mark Corneiro. During that meeting they conveyed to him orally the events which Officer Corneiro chronicles in his Affidavit. At that time, the documents provided were those listed in Officer Corneiro's Affidavit at page 3. Based upon Officer Mark Corneiro's Affidavit, it appears that he conducted his own independent investigation into the matter and he appears to have secured additional information directly from Scotia Bank, including the signature cards, reflecting "One Hamed and One Yusuf". Mike Yusuf recalls that there were a few calls between himself and Sergeant Corneiro but does not recall the dates. Sergeant Corneiro inquired about the name "Galleria" in Smith Bay which had arisen

as part of his investigation into the funds that were deposited into Wally's account. Mike Yusuf explained that he understood that this related to the real property upon which a supermarket was being constructed in Red Hook, St. Thomas formerly known as Marina Market.

The V.I.P.D. investigation was later turned over to Attorney Kippy Roberson of the Attorney General's office. Attorney Roberson contacted Attorney Nizar DeWood and requested any information available. The exact date of this communication is unknown but on March 30, 2016, in response to Attorney Roberson's request, Yusuf Yusuf provided to Attorney DeWood a copy of the Intake Gathering Form with signatures and requirement for one Hamed and one Yusuf. See Bates Stamps 12-YY-000273-281. Attorney DeWood forwarded the information to Attorney Roberson as requested the same day. No further communication occurred between Attorney DeWood or any of the Yusuf's regarding this matter and Attorney Roberson.

With regard to the V.I. Daily News, Mike Yusuf received a call from them and answered no questions and referred them to the V.I.P.D. The date of the contact is uncertain.

Further responding, Plaintiff incorporates the additional language of Response to Second Request to Produce No. 5 which provided in addition to the language above that:

It appears that the signature cards were not in possession of the Yusufs and were not provided to the VIPD or the Attorney General's office. Rather, the information provided to the VIPD is as listed in the Affidavit of Mark Affidavit at page 3. Subsequently, the Intake Gathering form was not provided until March of 2016 when requested by Attorney Roberson. The documents provided to Roberson were Bates Stamps 12 -YY-000273-281.

Further responding, a copy of the Police Report dated May 17, 2013, which was produced with a brief filed by the Bank of Nova Scotia in its Motion to Dismiss in the Scotia Suit, demonstrates that Fathi Yusuf also may have been present during the May 17, 2013 meeting. It is Mike Yusuf's recollection after having reviewed the Police Report, that Fathi Yusuf may have been present for a short period but did not remain for the entire time. The Police Report further provides that both Fathi Yusuf and Mike Yusuf explained "that both families had a verbal agreement that any check signed against Plessen Enterprises, Inc. would need the signature of at least one member of each family." Further, according to the Police Report, Mike Yusuf explained that originally the signatures were to be one

signature and that he, Fathi Yusuf and Waleed were authorized signors, that later this had been updated and he did not recall who was authorized but that they had a verbal agreement that one person from the Hamed and one person from the Yusuf would sign the check.

Further responding, Plaintiff clarifies that the signature card provided to the VIPD was as indicated in Officer Corneio's Affidavit at page 3, item #6, which is the the [sic] August 17, 2009 signature card from Bank of Nova Scotia.

Deficiency: This response is not verified -- please serve the amended response with your client's verification and file a notice with the Court by March 29, 2017. If the response and verification are not filed and served by that date, then a motion to compel regarding Interrogatory 3 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that Yusuf Yusuf obtained Exhibit 2, Scotiabank Signature Card requiring "ANY TWO **One Hamed and One Yusuf," directly from Scotiabank sometime after March 27, 2013 (the date of the \$460,000 check written on the Plessen account) and before the present lawsuit was filed on April 16, 2013. Please update your client's response to Interrogatory No. 4 to reflect this new information.

Plaintiff's attorney further noted that she did not know whether Attorney DeWood gave Exhibit 2 to Sergeant Mark A. Carneiro or if he merely shared it with him. She agreed to follow up with Attorney DeWood to determine where he got Exhibit 2, whether he shared or provided it to Sergeant Carneiro and what date that sharing or giving of Exhibit 2 to Sergeant Carneiro occurred. Please update your client's response after completing your investigation with respect to Exhibit 2 – how it came into the possession of any Yusuf attorney, when it came into possession of any Yusuf attorney and the identity of who provided it to the Government of the Virgin Islands.

Finally, Plaintiff's attorney stated that none of the documents that were produced to Defendants pursuant to subpoenas issued to Scotiabank in *Hamed v Yusuf*, SX-12-CV-370 were bates numbered. However, on September 25, 2014, in its Rule 26(a)(1)(A) disclosures, Plaintiff's attorney provided "Scotiabank account records received in response to a Subpoena Duces Tecum and attached and designated FY 010263 - 010946." Exhibit 2 was not contained in those bates numbered documents. Additionally, on September 30, 2014 in its Rule 26(a)(1)(A) disclosures, Plaintiff's attorney provided "Scotiabank account records received in response to a Subpoena Duces Tecum, attached and designated FY 010987 – 011468." Exhibit 2 also was not contained in those bates numbered documents. Please update your client's response to Interrogatory No. 4 to reflect this corrected information.

February 27, 2017 Letter Response from Attorney Perrell: As to Interrogatory No. 4: As a result of the additional investigation, it is Plaintiff's position that the Yusufs did not have possession of this document and believe that it was sourced directly from Bank of Nova Scotia pursuant to subpoena in the "370" case. This document appears to have been produced in the companion "370" case as it bears bates number FY004502 and was produced in that case on May 16, 2014. It also appears that the electronic signature page was provided by Bank of Nova Scotia (FY004504), the date along the side appears to indicate a screen shot on April 30, 2014 as well as an undated Intake Gathering Form (FY004494-004501) and a copy of the payment to Jeffrey

Moorehead (FY004503) were all received from Bank of Nova Scotia on or about that same time in 2014 and produced in the "370" case in May, 2014.

Deficiency: The only two document productions that Plaintiff served (as Defendant) in the "370" case from Scotiabank were on September 10, 2014 and September 24, 2010, both after the date of the May 16, 2014 production referenced in your response. Please produce any evidence that your client subpoenaed records or were given records prior to May 16, 2014 from the Bank of Nova Scotia. If unable to do so, please revise the response to Interrogatory 4, serve the amended response with your client's verification and file a notice with the Court by March 29, 2017. If the response and verification are not filed and served by that date, then a motion to compel regarding Interrogatory 4 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that Yusuf Yusuf obtained Exhibit 3, Scotiabank Signature Card requiring "ANY TWO **One Hamed and One Yusuf," (where the letters ANY T are raised higher than the letters TWO **One Hamed and One Yusuf) directly from Scotiabank sometime after March 27, 2013 (the date of the \$460,000 check written on the Plessen account) and before the present lawsuit was filed on April 16, 2013. Please update your client's response to Interrogatory No. 5 to reflect this new information.

Plaintiff's attorney further noted that she did not know whether Attorney DeWood gave Exhibit 3 to Sergeant Mark A. Carneiro or if he merely shared it with him. She agreed to follow up with Attorney DeWood to determine where he got Exhibit 3, whether he shared or provided it to Sergeant Carneiro and what date that sharing or giving of Exhibit 3 to Sergeant Carneiro occurred. Please update your client's response after completing your investigation with respect to Exhibit 3 – how it came into the possession of any Yusuf attorney, when it came into possession of any Yusuf attorney and the identity of who provided it to the Government of the Virgin Islands.

Finally, Plaintiff's attorney stated that none of the documents that were produced to Defendants pursuant to subpoenas issued to Scotiabank in *Hamed v Yusuf*, SX-12-CV-370 were bates numbered. However, on September 25, 2014, in its Rule 26(a)(1)(A) disclosures, Plaintiff's attorney provided "Scotiabank account records received in response to a Subpoena Duces Tecum and attached and designated FY 010263 - 010946." Exhibit 3 was not contained in those bates numbered documents. Additionally, on September 30, 2014 in its Rule 26(a)(1)(A) disclosures, Plaintiff's attorney provided "Scotiabank account records received in response to a Subpoena Duces Tecum, attached and designated FY 010987 – 011468." Exhibit 3 also was not contained in those bates numbered documents. Please update your client's response to Interrogatory No. 5 to reflect this corrected information.

February 27, 2017 Letter Response from Attorney Perrell: As to Interrogatory No. 5: Upon further investigation, it is Plaintiff's position that the Yusufs did not have possession of this document and believe that it was sourced directly from the Bank of Nova Scotia. See Response to Interrogatory No. 3 as to the documents in Plaintiffs possession.

Deficiency: Response to Interrogatory No. 3 does not state "how it [Exhibit 3] 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."

Please produce any evidence that your client subpoenaed records or received records from the Bank of Nova Scotia and obtained Exhibit 3 as a part of that production, including the bates number. If you cannot identify how and when you received the document from Scotiabank, say so. Please revise the response to Interrogatory 5, serve the amended response with your client's verification and file a notice with the Court by March 29, 2017. If the response and verification are not filed and served by that date, then a motion to compel regarding Interrogatory 5 is appropriate.

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

February 3, 2017 Meeting Summary: Plaintiff's attorney agreed to update Interrogatory No. 7 with the results of her further investigation into this matter. The interrogatory requests the **dates, persons** and **documents** present between any member of the Yusuf family and (1) the VI Daily News; (2) the VIPD, and (3) any other VI Government official, whether that contact occurred as a meeting, conference or any other type of communication, such as a phone call.

The response states that "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. . . .The documents received were those set forth in Exhibits 1, 2 and 3. What was the date or dates of Mike Yusuf's request to Scotiabank?"

The response also states that "Mike Yusuf did file a report and met with Sergeant Mark A. Corneiro." Please identify the date of that meeting. Please identify whether any documents at that meeting with were given to Sergeant Mark A. Corneiro. If Mike Yusuf did not give any documents to Sergeant Mark A. Corneiro, please identify any documents Mike Yusuf "shared" with Sergeant Mark A. Corneiro.

The response also states that "there were a few calls between himself [Mike Yusuf] and Sergeant Corneiro." Please provide dates for those phone calls and whether documents were exchanged or "shared."

Finally, the response states that "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." Please provide the date of that call and the name of the person who called Mike Yusuf.

Please confirm that Mike Yusuf did not have contact with any other VI Government official.

Please confirm that Yusuf Yusuf only made one contact with Scotiabank, as was suggested in your response. Please also confirm that Yusuf Yusuf had no contact with the VI Daily News, the VIPD and any other VI Government official.

Please confirm that Fathi Yusuf, Nejah Yusuf and any other Yusuf family members except for Mike and Yusuf Yusuf had no contact with the VI Daily News, the VIPD and any other VI Government official.

February 27, 2017 Letter Response from Attorney Perrell: As to Interrogatory No. 7: Plaintiff incorporates by reference his response to Interrogatory No. 3 above as responsive to this request and providing further clarification as requested.

Deficiency: Please confirm that Mike Yusuf did not have contact with any other VI Government official.

Please also confirm that Yusuf Yusuf had no contact with the VI Daily News, the VIPD and any other VI Government official.

Please confirm that Fathi Yusuf had only one contact with the VIPD regarding this matter and had no contact with the VI Daily News or any other VI Government official.

Please confirm that Negeh Yusuf and any other Yusuf family members (excluding Fathi, Mike and Yusuf Yusuf) had no contact with the VI Daily News, the VIPD and any other VI Government official.

Finally, this response is not verified -- please update your response incorporating the responses to the missing questions and serve the amended response with your client's verification and file a notice with the Court by March 29, 2017. If the response and verification are not filed and served by that date, then a motion to compel regarding Interrogatory 7 is appropriate.

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.

February 3, 2017 Meeting Summary: With respect to General Objections to the Request for Production of Documents, Plaintiff's attorney confirmed that no responses to documents were withheld on the basis of the general objections. Please update your responses by either withdrawing the general objections (which would comport with Rule 34) or indicate that no documents were withheld on the basis of the general objections.

Deficiency: Please update your responses by either withdrawing the general objections or indicate that no responses were withheld on the basis of the general objections. Please file a notice with the Court and serve those amended responses.

Request for Production of Documents

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that there are no Plessen meeting minutes or signed unanimous consents supporting Plaintiff's contention that a fourth seat on the Plessen Board was created. Please update your response to reflect that fact.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Produce No. 5, 6, 7: Other additional information responsive is the Intake Gathering Form from the Bank of Nova Scotia which was signed by both Walleed Hamed as well as Mike Yusuf which reflects that Mike was a director as well as Mohammed Hamed's sworn interrogatory responses in which he too believed that Mike Yusuf was a director. These documents are already of record in this case. Further responding, Plaintiff shows that Response to Interrogatory No. 10, is responsive to this RTP:

Subject to the above -stated objections and without waiving any objections, Yusuf Yusuf shows that date of "March 27, 2017" is obviously incorrect. To the extent that the date is assumed to mean "March 27, 2013," Yusuf Yusuf shows that Mohammed Hamed, who previously served as President and was a director is now deceased. Fathi Yusuf has always served as the Secretary and Treasurer and has been a director. The Yusuf's were under the belief that Mike Yusuf was a director of United as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

Yusuf Yusuf shows that the corporate records for Plessen were outside any of the parties' control for years following the FBI raid in which the corporate records were seized. In April, 2014, Carl Beckstedt prepared corporate documents to reflect Mike's position as a director. Attorney Holt advised Carl Beckstedt to the contrary. However, Attorney Beckstedt did not comply but rather advised that he would need to confirm with the parties. Nonetheless, there is not

an executed document in the official corporate record book reflecting Mike Yusuf's position as a director.

The powers and the duties of the President and the Vice President were limited by the Bylaws, including Article V, Section 5.1(e) which requires checks to be signed by either the President or Vice President and then countersigned by the Secretary or Treasurer. This would require that one Hamed and one Yusuf would ultimately be signing all checks. In addition, in mid-to-late 2011, all checks thereafter were signed by one Hamed and one Yusuf, with the exception of the \$460,000.00 check. No officer was allowed to remove funds from the account without the dual family signatures and this was the accepted restriction agreed to by the two families in addition to the other restrictions already imposed by Article V of the Bylaws.

Deficiency: Please update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents with this additional information and file a notice with the Court by March 29, 2017. If the documents are not updated and served by that date, then a motion to compel regarding RFPD 5 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that there are no Plessen meeting minutes or signed unanimous consents supporting Plaintiff's contention that "Maher was added as a director" [to the Plessen Board]. Please update your response to reflect that fact.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Produce No. 5, 6, 7: Other additional information responsive is the Intake Gathering Form from the Bank of Nova Scotia which was signed by both Walleed Hamed as well as Mike Yusuf which reflects that Mike was a director as well as Mohammed Hamed's sworn interrogatory responses in which he too believed that Mike Yusuf was a director. These documents are already of record in this case. Further responding, Plaintiff shows that Response to Interrogatory No. 10, is responsive to this RTP:

Subject to the above -stated objections and without waiving any objections, Yusuf Yusuf shows that date of "March 27, 2017" is obviously incorrect. To the extent that the date is assumed to mean "March 27, 2013," Yusuf Yusuf shows that Mohammed Hamed, who previously served as President and was a director is now deceased. Fathi Yusuf has always served as the Secretary and Treasurer and has been a director. The Yusuf's were under the belief that Mike Yusuf was a director of United as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

Yusuf Yusuf shows that the corporate records for Plessen were outside any of the parties' control for years following the FBI raid in which the corporate records were seized. In April, 2014, Carl Beckstedt prepared corporate documents to reflect Mike's position as a director. Attorney Holt advised Carl Beckstedt to the contrary. However, Attorney Beckstedt did not comply but rather advised that he would need to confirm with the parties. Nonetheless, there is not an executed document in the official corporate record book reflecting Mike Yusuf's position as a director.

The powers and the duties of the President and the Vice President were limited by the Bylaws, including Article V, Section 5.1(e) which requires checks to be signed by either the President or Vice President and then countersigned by the Secretary or Treasurer. This would require that one Hamed and one Yusuf would ultimately be signing all checks. In addition, in mid-to-late 2011, all checks thereafter were signed by one Hamed and one Yusuf, with the exception of the \$460,000.00 check. No officer was allowed to remove funds from the account without the dual family signatures and this was the accepted restriction agreed to by the two families in addition to the other restrictions already imposed by Article V of the Bylaws.

Deficiency: Please update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents with this additional information

and file a notice with the Court by March 29, 2017. If the documents are not updated and served by that date, then a motion to compel regarding RFPD 6 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that there are no Plessen meeting minutes or signed unanimous consents supporting Plaintiff's contention that "[t]he current members of Plessen's Board are Mohammad, Waleed, Fathi, and Maher." Please update your response to reflect that fact.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Produce No. 5, 6, 7: Other additional information responsive is the Intake Gathering Form from the Bank of Nova Scotia which was signed by both Waleed Hamed as well as Mike Yusuf which reflects that Mike was a director as well as Mohammed Hamed's sworn interrogatory responses in which he too believed that Mike Yusuf was a director. These documents are already of record in this case. Further responding, Plaintiff shows that Response to Interrogatory No. 10, is responsive to this RTP:

Subject to the above -stated objections and without waiving any objections, Yusuf Yusuf shows that date of "March 27, 2017" is obviously incorrect. To the extent that the date is assumed to mean "March 27, 2013," Yusuf Yusuf shows that Mohammed Hamed, who previously served as President and was a director is now deceased. Fathi Yusuf has always served as the Secretary and Treasurer and has been a director. The Yusuf's were under the belief that Mike Yusuf was a director of United as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflected in the August 17, 2009 bank records. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al, sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always

been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as is the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

Yusuf Yusuf shows that the corporate records for Plessen were outside any of the parties' control for years following the FBI raid in which the corporate records were seized. In April, 2014, Carl Beckstedt prepared corporate documents to reflect Mike's position as a director. Attorney Holt advised Carl Beckstedt to the contrary. However, Attorney Beckstedt did not comply but rather advised that he would need to confirm with the parties. Nonetheless, there is not an executed document in the official corporate record book reflecting Mike Yusuf's position as a director.

The powers and the duties of the President and the Vice President were limited by the Bylaws, including Article V, Section 5.1(e) which requires checks to be signed by either the President or Vice President and then countersigned by the Secretary or Treasurer. This would require that one Hamed and one Yusuf would ultimately be signing all checks. In addition, in mid-to-late 2011, all checks thereafter were signed by one Hamed and one Yusuf, with the exception of the \$460,000.00 check. No officer was allowed to remove funds from the account without the dual family signatures and this was the accepted restriction agreed to by the two families in addition to the other restrictions already imposed by Article V of the Bylaws.

Deficiency: Please update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents with this additional information and file a notice with the Court by March 29, 2017. If the documents are not updated and served by that date, then a motion to compel regarding RFPD 7 is appropriate.

RFPDs No. 10. Please provide all documents supporting your contention in the 19th paragraph of your amended complaint that "Upon information and belief Waleed is the President of Five-H and one of its principal beneficial owners. Upon information and belief Waheed, Mufeed, and Hisham are all officers and beneficial owners of Five-H."

RESPONSE:

To be supplemented.

Deficiency: 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.

February 3, 2017 Meeting Summary: Plaintiff's attorney agreed to provide a response to document request numbers 10, 13, 14, 17 and 20 within 15 days, or by February 21, 2017.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Produce 10, 13, 14, 17 and 20: As to RTP 13, 14 see FY10344. As to RTP 10, 17 and 20, such information was learned from bank records and other publically [*sic*] available information.

Deficiency: This answer is completely unresponsive. Provide all documents you have referenced "such information was learned from bank records and other publically [*sic*] available information." Please produce those documents, update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents and file a notice with the Court by March 29, 2017. If the documents are not produced by that date, then a motion to compel regarding RFPD 10 is appropriate.

RFPDs No. 13. Please provide all documents supporting your contention in the 24th paragraph of your amended complaint that "24. On or about March 27, 2013, Yusuf paid with his personal Banco Popular Visa credit card the 2011 real property taxes of Plessen."

RESPONSE:
To be supplemented.

Deficiency: 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.

February 3, 2017 Meeting Summary: Plaintiff's attorney agreed to provide a response to document request numbers 10, 13, 14, 17 and 20 within 15 days, or by February 21, 2017.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Produce 10, 13, 14, 17 and 20: As to RTP 13, 14 see FY10344. As to RTP 10, 17 and 20, such information was learned from bank records and other publically [*sic*] available information.

Deficiency: The document you referenced is a Scotiabank business checking account statement for Plessen Enterprises, Inc, dated June 30, 2013. It is completely unresponsive to the request. A motion to compel regarding RFPD 13 is appropriate.

RFPDs No. 14. Please provide all documents supporting your contention in the 25th paragraph of your amended complaint that "Yusuf was reimbursed for such payment by way of a check drawn on Plessen's bank account with Scotiabank."

RESPONSE:

To be supplemented.

Deficiency: 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.

February 3, 2017 Meeting Summary: Plaintiff's attorney agreed to provide a response to document request numbers 10, 13, 14, 17 and 20 within 15 days, or by February 21, 2017.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Produce 10, 13, 14, 17 and 20: As to RTP 13, 14 see FY10344. As to RTP 10, 17 and 20, such information was learned from bank records and other publically [*sic*] available information.

Deficiency: The document you referenced is a Scotiabank business checking account statement for Plessen Enterprises, Inc, dated June 30, 2013. It is completely unresponsive to the request. A motion to compel regarding RFPD 14 is appropriate.

RFPDs No. 17: Please provide all documents supporting your contention in the 28th paragraph of your amended complaint that "Yusuf subsequently learned that Waleed used the misappropriated money to purchase commercial property on the East End of St. Thomas in the name of Five-H where a store named Moe's Fresh Market was later opened and is now operating."

RESPONSE:

To be supplemented.

Deficiency: 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.

February 3, 2017 Meeting Summary: Plaintiff's attorney agreed to provide a response to document request numbers 10, 13, 14, 17 and 20 within 15 days, or by February 21, 2017.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Produce 10, 13, 14, 17 and 20: As to RTP 13, 14 see FY10344. As to RTP 10, 17 and 20, such information was learned from bank records and other publically [*sic*] available information.

Deficiency: This answer is completely unresponsive. Provide all documents you have referenced "such information was learned from bank records and other publically [*sic*] available information." Please produce those documents, update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents and file a notice with the Court by March 29, 2017. If the documents are not produced by that date, then a motion to compel regarding RFPD 17 is appropriate.

RFPDs No. 20. Please provide all documents supporting your contention in the 33rd paragraph of your amended complaint that "Further, the Hameds and Five-H among other improper acts, have individually and collectively obtained the benefit, use and enjoyment of Plessen's misappropriated funds by using these funds, upon information and belief, to purchase real estate on which the Hameds now operate a new grocery store and market called Moe's Fresh Market, with the seed money provided by Waleed's unauthorized draw on Plessen's bank account."

RESPONSE:

To be supplemented.

Deficiency: 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.

February 3, 2017 Meeting Summary: Plaintiff's attorney agreed to provide a response to document request numbers 10, 13, 14, 17 and 20 within 15 days, or by February 21, 2017.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Produce 10, 13, 14, 17 and 20: As to RTP 13, 14 see FY10344. As to RTP 10, 17 and 20, such information was learned from bank records and other publically [*sic*] available information.

Deficiency: This answer is completely unresponsive. Provide all documents you have referenced "such information was learned from bank records and other publically [*sic*]

available information." Please produce those documents, update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents and file a notice with the Court by March 29, 2017. If the documents are not produced by that date, then a motion to compel regarding RFPD 20 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will conduct an investigation as to whether there are any documents showing that Fathi Yusuf negotiated and signed all Plessen leases and will update her response and production.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 84, we continue our review of the documentation and will supplement. The same is true for Requests for Production of Documents No.s 23, 36, 37, 40 and 44.

Deficiency: This answer is completely unresponsive. Produce the documents, update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents and file a notice with the Court by March 29, 2017. If the documents are not produced by that date, then a motion to compel regarding RFPD 23 is appropriate.

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. [Response to Request No. 25 states: "See 120 -YY -00001 - 00238, 00240 - 00272."]

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."

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will check to see if Plaintiffs have any documents related to Five-H and update her production and response.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 84, we continue our review of the documentation and will supplement. The same is true for Requests for Production of Documents No.s 23, 36, 37, 40 and 44.

Deficiency: Please produce the documents, update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents and file a notice with the Court by March 29, 2017. If the documents are not produced by that date, then a motion to compel regarding RFPD 36 is appropriate.

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."

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will check to see if Plaintiffs have any documents related to Five-H and update her production and response.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 84, we continue our review of the documentation and will supplement. The same is true for Requests for Production of Documents No.s 23, 36, 37, 40 and 44.

Deficiency: This answer is completely unresponsive. Produce the documents, update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents and file a notice with the Court by March 29, 2017. If the documents are not produced by that date, then a motion to compel regarding RFPD 37 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will review the Plessen bank statements to determine whether there are 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 and will update her response and production.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 84, we continue our review of the documentation and will supplement. The same is true for Requests for Production of Documents No.s 23, 36, 37, 40 and 44.

Deficiency: This answer is completely unresponsive. Produce the documents, update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents and file a notice with the Court by March 29, 2017. If the documents are not produced by that date, then a motion to compel regarding RFPD 40 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will ask her clients and other Yusuf attorneys for any Scotiabank signature cards for the Plessen Enterprises, Inc. account, number 05800045012 that were 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 and will update her response and production.

February 27, 2017 Letter Response from Attorney Perrell: It appears that the signature cards were not in possession of the Yusufs and were not provided to the VIPD or the Attorney General's office. Rather, the information provided to the VIPD is as listed in the Affidavit of Mark Affidavit at page 3. Subsequently, the Intake Gathering form was not provided until March of 2016 when requested by Attorney Roberson. The documents provided to Roberson were Bates Stamps 12-YY-000273-281.

Further responding, a copy of the Police Report dated May 17, 2013, which was produced with a brief filed by the Bank of Nova Scotia in its Motion to Dismiss in the Scotia Suit, demonstrates that Fathi Yusuf also may have been present during the May 17, 2013 meeting. It is Mike Yusuf's recollection after having reviewed the Police Report, that Fathi Yusuf may have been present for a short period but did not remain for the entire time. The Police Report further provides that both Fathi Yusuf and Mike Yusuf explained "that both families had a verbal agreement that any check signed against Plessen Enterprises, Inc. would need the signature of at least one member of each family."

Further, according to the Police Report, Mike Yusuf explained that originally the signatures were to be one signature and that he, Fathi Yusuf and Waleed were authorized signors, that later this had been updated and he did not recall who was authorized but that they had a verbal agreement

that one person from the Hamed and one person from the Yusuf would sign the check.

Further responding, Plaintiff clarifies that the signature card provided to the VIPD was as indicated in Officer Corneio's Affidavit at page 3, item #6, which is the the [sic] August 17, 2009 signature card from Bank of Nova Scotia.

* * *

As to Request to Admit No. 84, we continue our review of the documentation and will supplement. The same is true for Requests for Production of Documents No.s 23, 36, 37, 40 and 44.

Deficiency: This answer is completely unresponsive. Produce the documents, update Plaintiff Yusuf Yusuf's Rule 34 Response to Mufeed Hamed's First Request for the Production of Documents and file a notice with the Court by March 29, 2017. If the documents are not produced by that date, then a motion to compel regarding RFPD 44 is appropriate.

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

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will ask her clients whether there were any documents notifying commercial entities that Waleed and/or Mufeed Hamed had been arrested in connection with *People v Mufeed Hamed*, SX-15-CR-352 and *People v Waleed Hamed*, SX-15-CR -353. She indicated that she didn't think there were documents because her clients did not notify any commercial entities.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Produce No. 53: Plaintiff incorporates his response to the Second Set of Discovery, Request to Produce No. 9 as if fully set forth herein verbatim as his further response and clarification of Request to Product No. 53.

Deficiency: Your answer is completely unresponsive to the request because your client's response to the Second Set of Discovery, Request to Produce No. 9 "Yusuf Yusuf is unaware of documents responsive to this request" is not sufficient. You must confirm that a thorough investigation was done to determine whether any documents exist pertaining to meetings, conferences or communications between any member of the Yusuf Family and vendors selling to the Hamed family business regarding the alleged embezzlement from the Plessen Account and that no documents were discovered as a result of that investigation. Checking with Yusuf Yusuf alone is not a sufficient investigation. A motion to compel regarding RFPD 53 is appropriate.

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 than 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 than the letter "O" in the words "Sion" and "St. Croix" above that on the card.'"

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will not be changing this response. Accordingly, this request is ripe for a motion regarding the sufficiency of an answer or objection.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will respond to this deficiency within 15 days from the date of the meet and confer. Please respond with either an "Admit" or "Deny," otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

Deficiency: Plaintiff did not update his response. A motion to compel regarding Request to Admit No. 37 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will circle back to Mike Yusuf regarding this deficiency and update it (or not) within 15 days from the date of the meet and confer. After your discussion with Mike Yusuf, please respond with either an "Admit" or "Deny," otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Attorney Perrell: As to Requests to Admit No.'s 38-45: Each of these requests seek admission that

a documented meeting of the Board of Directors did not take place to increase the size of the Board so as to include Mike Yusuf as a Director in addition to the original three members of the Board, Mohammed Hamed, Waleed Hamed and Fathi Yusuf. Plaintiff admits that apparently no such official meeting took place and that there exists no documentation evidencing such a meeting or resolution. However, further responding, Plaintiff denies that this means there is no evidence that Mike Yusuf was a director of Plessen. Rather, Plaintiff shows that his responses to the Second Set of Discovery, Request to Produce No. 10 is responsive and incorporates same herein by reference. Specifically, Plaintiff shows that:

...Yusuf Yusuf was under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflecting in the August 17, 2009 bank records.. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al., sx -12 -370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

While Defendants attempt to contend that this information is unresponsive to the requests to admit, we respectfully disagree. This evidence demonstrates Mike Yusuf's role as a *de facto* director; i.e. a person who is in possession of an office or is exercising the functions thereof under color of authority. The legal theory of a *de facto* director or officer is widely acknowledged.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 38 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will circle back to Mike Yusuf regarding this deficiency and update it (or not) within 15 days from the date of the meet and confer. After your discussion with Mike Yusuf, please respond with either an "Admit" or "Deny," otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Attorney Perrell: As to Requests to Admit No.'s 38-45: Each of these requests seek admission that a documented meeting of the Board of Directors did not take place to increase the size of the Board so as to include Mike Yusuf as a Director in addition to the original three members of the Board, Mohammed Hamed, Waleed Hamed and Fathi Yusuf. Plaintiff admits that apparently no such official meeting took place and that there exists no documentation evidencing such a meeting or resolution. However, further responding, Plaintiff denies that this means there is no evidence that Mike Yusuf was a director of Plessen. Rather, Plaintiff shows that his responses to the Second Set of Discovery, Request to Produce No. 10 is responsive and incorporates same herein by reference. Specifically, Plaintiff shows that:

...Yusuf Yusuf was under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflecting in the August 17, 2009 bank records.. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al., sx -12 -370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

While Defendants attempt to contend that this information is unresponsive to the requests to admit, we respectfully disagree. This evidence

demonstrates Mike Yusuf's role as a *de facto* director; i.e. a person who is in possession of an office or is exercising the functions thereof under color of authority. The legal theory of a *de facto* director or officer is widely acknowledged.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 39 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney requested confirmation that the date in Request to Admit No. 40 is accurate. The date is accurate. Please respond with either an "Admit" or "Deny," otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Attorney Perrell: As to Requests to Admit No.'s 38-45: Each of these requests seek admission that a documented meeting of the Board of Directors did not take place to increase the size of the Board so as to include Mike Yusuf as a Director in addition to the original three members of the Board, Mohammed Hamed, Waleed Hamed and Fathi Yusuf. Plaintiff admits that apparently no such official meeting took place and that there exists no documentation evidencing such a meeting or resolution. However, further responding, Plaintiff denies that this means there is no evidence that Mike Yusuf was a director of Plessen. Rather, Plaintiff shows that his responses to the Second Set of Discovery, Request to Produce No. 10 is responsive and incorporates same herein by reference. Specifically, Plaintiff shows that:

...Yusuf Yusuf was under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government

Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflecting in the August 17, 2009 bank records.. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al., sx -12 -370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

While Defendants attempt to contend that this information is unresponsive to the requests to admit, we respectfully disagree. This evidence demonstrates Mike Yusuf's role as a *de facto* director; i.e. a person who is in possession of an office or is exercising the functions thereof under color of authority. The legal theory of a *de facto* director or officer is widely acknowledged.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 40 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney requested confirmation that the date in Request to Admit No. 41 is accurate. The date is accurate. Please respond with either an "Admit" or "Deny,"

otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Attorney Perrell: As to Requests to Admit No.'s 38-45: Each of these requests seek admission that a documented meeting of the Board of Directors did not take place to increase the size of the Board so as to include Mike Yusuf as a Director in addition to the original three members of the Board, Mohammed Hamed, Waleed Hamed and Fathi Yusuf. Plaintiff admits that apparently no such official meeting took place and that there exists no documentation evidencing such a meeting or resolution. However, further responding, Plaintiff denies that this means there is no evidence that Mike Yusuf was a director of Plessen. Rather, Plaintiff shows that his responses to the Second Set of Discovery, Request to Produce No. 10 is responsive and incorporates same herein by reference. Specifically, Plaintiff shows that:

...Yusuf Yusuf was under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflecting in the August 17, 2009 bank records.. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al., sx -12 -370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

While Defendants attempt to contend that this information is unresponsive to the requests to admit, we respectfully disagree. This evidence demonstrates Mike Yusuf's role as a *de facto* director; i.e. a person who is in possession of an office or is exercising the functions thereof under color of authority. The legal theory of a *de facto* director or officer is widely acknowledged.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 41 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will respond to this deficiency within 15 days from the date of the meet and confer. Please respond with either an "Admit" or "Deny," otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Attorney Perrell: As to Requests to Admit No.'s 38-45: Each of these requests seek admission that a documented meeting of the Board of Directors did not take place to increase the size of the Board so as to include Mike Yusuf as a Director in addition to the original three members of the Board, Mohammed Hamed, Waleed Hamed and Fathi Yusuf. Plaintiff admits that apparently no such official meeting took place and that there exists no documentation evidencing such a meeting or resolution. However, further responding, Plaintiff denies that this means there is no evidence that Mike Yusuf was a director of Plessen. Rather, Plaintiff shows that his responses to the Second Set of Discovery, Request to Produce No. 10 is responsive and incorporates same herein by reference. Specifically, Plaintiff shows that:

...Yusuf Yusuf was under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflecting in the August 17, 2009 bank records.. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al., sx -12 -370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

While Defendants attempt to contend that this information is unresponsive to the requests to admit, we respectfully disagree. This evidence demonstrates Mike Yusuf's role as a *de facto* director; i.e. a person who is in possession of an office or is exercising the functions thereof under color of authority. The legal theory of a *de facto* director or officer is widely acknowledged.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 42 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will "follow up" and respond to this deficiency within 15 days from the date of the meet and confer. Please respond with either an "Admit" or "Deny," otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Attorney Perrell: As to Requests to Admit No.'s 38-45: Each of these requests seek admission that a documented meeting of the Board of Directors did not take place to increase the size of the Board so as to include Mike Yusuf as a Director in addition to the original three members of the Board, Mohammed Hamed, Waleed Hamed and Fathi Yusuf. Plaintiff admits that apparently no such official meeting took place and that there exists no documentation evidencing such a meeting or resolution. However, further responding, Plaintiff denies that this means there is no evidence that Mike Yusuf was a director of Plessen. Rather, Plaintiff shows that his responses to the

Second Set of Discovery, Request to Produce No. 10 is responsive and incorporates same herein by reference. Specifically, Plaintiff shows that:

...Yusuf Yusuf was under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflecting in the August 17, 2009 bank records.. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al., sx -12 -370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

While Defendants attempt to contend that this information is unresponsive to the requests to admit, we respectfully disagree. This evidence demonstrates Mike Yusuf's role as a *de facto* director; i.e. a person who is in possession of an office or is exercising the functions thereof under color of authority. The legal theory of a *de facto* director or officer is widely acknowledged.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 43 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will "follow up" and respond to this deficiency within 15 days from the date of the meet and confer. Please respond with either an "Admit" or "Deny," otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Attorney Perrell: As to Requests to Admit No.'s 38-45: Each of these requests seek admission that a documented meeting of the Board of Directors did not take place to increase the size of the Board so as to include Mike Yusuf as a Director in addition to the original three members of the Board, Mohammed Hamed, Waleed Hamed and Fathi Yusuf. Plaintiff admits that apparently no such official meeting took place and that there exists no documentation evidencing such a meeting or resolution. However, further responding, Plaintiff denies that this means there is no evidence that Mike Yusuf was a director of Plessen. Rather, Plaintiff shows that his responses to the Second Set of Discovery, Request to Produce No. 10 is responsive and incorporates same herein by reference. Specifically, Plaintiff shows that:

...Yusuf Yusuf was under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflecting in the August 17, 2009 bank records.. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al., sx -12 -370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

While Defendants attempt to contend that this information is unresponsive to the requests to admit, we respectfully disagree. This evidence demonstrates Mike Yusuf's role as a *de facto* director; i.e. a person who is in possession of an office or is exercising the functions thereof under color of authority. The legal theory of a *de facto* director or officer is widely acknowledged.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 44 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will "follow up" and respond to this deficiency within 15 days from the date of the meet and confer. Please respond with either an "Admit" or "Deny," otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

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.

February 27, 2017 Letter Response from Attorney Perrell: As to Requests to Admit No.'s 38-45: Each of these requests seek admission that a documented meeting of the Board of Directors did not take place to increase the size of the Board so as to include Mike Yusuf as a Director in addition to the original three members of the Board, Mohammed Hamed, Waleed Hamed and Fathi Yusuf. Plaintiff admits that apparently no such official meeting took place and that there exists no documentation evidencing such a meeting or resolution. However, further responding, Plaintiff denies that this means there is no evidence that Mike Yusuf was a director of Plessen. Rather, Plaintiff shows that his responses to the Second Set of Discovery, Request to Produce No. 10 is responsive and incorporates same herein by reference. Specifically, Plaintiff shows that:

...Yusuf Yusuf was under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account at Scotia Bank and reflecting in the August 17, 2009 bank records..

He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al., sx -12 -370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12-YY-00509-511.

While Defendants attempt to contend that this information is unresponsive to the requests to admit, we respectfully disagree. This evidence demonstrates Mike Yusuf's role as a *de facto* director; i.e. a person who is in possession of an office or is exercising the functions thereof under color of authority. The legal theory of a *de facto* director or officer is widely acknowledged.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 45 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will not be changing this response. Accordingly, this request is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 46: Plaintiff maintained his same response of Deny. Further responding Plaintiff shows:

Yusuf Yusuf was under the belief that Mike Yusuf was a director of Plessen as a result of documents provided to the V.I. Government Department of Licensing and Consumer Affairs and because he originally was provided signature authority as to the Plessen account

at Scotia Bank and reflecting in the August 17, 2009 bank records.. He was also listed on the Intake Gathering Form for Scotia as a "director." Furthermore, Mohammed Hamed in response to interrogatories in the Hamed v. Yusuf et al., sx-12-370 case, swore that "I [Mohammed] am one of the four directors of Plessen. To the best of my recollection, I have always been a director. The other three directors and shareholders of the complaint, including Fathi Yusuf and his sons were all aware of this fact, as the Office of the Lieutenant Governor, Division of Corporations." See Bates Stamped documents 12 -YY-00509-511.

While Defendants attempt to contend that this information is unresponsive to the requests to admit, we respectfully disagree. This evidence demonstrates Mike Yusuf's role as a *de facto* director; i.e. a person who is in possession of an office or is exercising the functions thereof under color of authority. The legal theory of a *de facto* director or officer is widely acknowledged.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 46 is appropriate.

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 Yusufs 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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will "follow up with everyone" and respond to this deficiency within 15 days from the date of the meet and confer. Please respond with either an

“Admit” or “Deny,” otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 47: Plaintiff reasserts his original response. Further responding, Plaintiff incorporates his Response to Interrogatory No. 3 as set forth above. To be clear, Attorney DeWood provided those documents as listed in the affidavit of Mark Corneiro at p. 3 of his Affidavit.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 47 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that Mike Yusuf did not create the document. However, the admission asks to admit or deny whether the document was created by filling out a form in a password protected, online DLCA website. The request does not ask who obtained it or even who created it, rather whether the form is created by “filling out a form in a password protected, online DLCA website.”

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 48 and 49: Plaintiff reasserts his original responses to these Requests to Admit and believes them to be accurate and sufficient responses.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 48 is appropriate.

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 Yusuf's learning of the check reported in May of 2014.

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

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that Mike Yusuf did not create the document. If that is true, please update this response to "Denied" only. Speculation as to who may have filled out the on-line form was not requested. Further, the form shows that the status of the payment is "pending."

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 48 and 49: Plaintiff reasserts his original responses to these Requests to Admit and believes them to be accurate and sufficient responses.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 49 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will "follow up" and respond to this deficiency within 15 days from the date of the meet and confer. Please respond with either an "Admit" or "Deny," otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 53: Plaintiff reasserts his original response to this Request to Admit. It was Yusuf Yusuf who requested information from Scotia Bank. Plaintiff Incorporates his Response to Interrogatory No. 3 as set forth above as providing additional detail regarding the receipt of information from Scotia Bank.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 53 is appropriate.

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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will "follow up" and respond to this deficiency within 15 days from the date of the meet and confer. Please respond with either an "Admit" or "Deny," otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 54: Plaintiff reasserts his original response to this Request to Admit. It was Yusuf Yusuf who requested information from Scotia Bank. Plaintiff Incorporates his Response to Interrogatory No. 3 as set forth above as providing additional detail regarding the receipt of information from Scotia Bank.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 54 is appropriate.

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.

February 3, 2017 Meeting Summary: Defense counsel's paralegal provided a copy of the Motion to Dismiss in both SX-15-CR-352 and 353. Plaintiff's counsel will review and determine whether to admit or deny this admission.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 58: Plaintiff reasserts his original response to this Request to Admit.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 58 is appropriate.

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.'"

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 82: Plaintiff reasserts his original response to this Request to Admit.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 82 is appropriate.

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."

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will "follow up" and respond to this deficiency within 15 days from the date of the meet and confer. Please respond with either an "Admit" or "Deny," otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 83: Plaintiff reasserts his original response to this Request to Admit.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 83 is appropriate.

REQUEST TO ADMIT NO. 84: ADMIT or DENY that is 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.

February 3, 2017 Meeting Summary: Plaintiff's attorney stated that she will "follow up" and respond to this deficiency within 15 days from the date of the meet and confer. Please respond with either an "Admit" or "Deny," otherwise this item is ripe for a motion regarding the sufficiency of an answer or objection.

February 27, 2017 Letter Response from Attorney Perrell: As to Request to Admit No. 84, we continue our review of the documentation and will supplement.

Deficiency: This answer is completely unresponsive. A motion to compel regarding Request to Admit No. 84 is appropriate.

Cordially,

A handwritten signature in black ink that reads "Mark Eckard". The signature is written in a cursive, flowing style.

Mark W. Eckard, Esquire
Counsel to Mufeed Hamed

EXHIBIT 2

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

YUSUF YUSUF, derivatively on behalf of)) Case No. SX-13-CV-120
Plessen Enterprises, Inc.,))
))
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.))

**CERTIFICATION OF GOOD FAITH EFFORTS
TO CONFER PURSUANT TO V.I. R. CIV. P. 37(a)(1)**

I certify that I have made good faith efforts to confer with opposing counsel in an effort to obtain discovery responses without court action. Those efforts included the following:

- On January 10, 2017, Hamed’s counsel sent an initial Rule 37 meet and confer letter;
- On February 3, 2017, a meet and confer teleconference was held;
- On February 14, 2017, Hamed’s counsel sent a letter summarizing the February 3, 2017 meet and confer discussion;
- On February 27, 2017, Yusuf’s counsel provided some additional information in response to Hamed’s February 14, 2017 letter;
- On March 22, 2017, Hamed’s counsel sent a letter requesting additional information where Yusuf had responded “to be supplemented,” requesting amended interrogatories be verified, and outlining areas of continued disagreement;
- On April 7, 2017, Yusuf’s counsel sent a verification of the February 27, 2017 amended interrogatories, but did not respond to the areas of continued disagreement, including items “to be supplemented”; and
- On April 12, 2017, Hamed’s counsel sent an email containing a draft Motion to Compel to Yusuf’s counsel in the hopes of being able to resolve the outstanding discovery issues. Hamed’s counsel did not receive a response to that email.

Respectfully submitted,

HAMMECKARD, LLP



By:

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Dated: May 3, 2017

Counsel for Waleed Hamed, Waheed
Hamed, Mufeed Hamed, Hisham Hamed
and Five-H Holdings, Inc.