

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

<p>YUSUF YUSUF, derivatively on behalf of)</p> <p>PLESSEN ENTERPRISES, INC.,)</p> <p style="text-align: center;"><i>Plaintiff</i>,)</p> <p style="text-align: center;">vs.)</p> <p>WALEED HAMED, WAHEED HAMED,)</p> <p>MUFEED HAMED, HISHAM HAMED, and)</p> <p>FIVE-H HOLDINGS, LLC.,)</p> <p style="text-align: center;"><i>Defendants</i>,)</p> <p>and)</p> <p>PLESSEN ENTERPRISES, INC.,)</p> <p style="text-align: center;"><i>Nominal Defendant.</i>)</p> <hr style="width: 50%; margin-left: 0;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p style="text-align: center;">CASE # SX-13-CV-120</p> <p style="text-align: center;">ACTION FOR DAMAGES, AND INJUNCTIVE RELIEF</p> <p style="text-align: center;"><u>JURY TRIAL DEMANDED</u></p>
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**DEFENDANT WALEED HAMED’S RESPONSES TO
PLAINTIFF YUSUF’S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS**

Plaintiff Waleed Hamed hereby responds to Plaintiff Yusuf Yusuf’s Rule 34 Request for the Production of Documents emailed on April 18, 2017.

RESPONSES

1. Please produce all information reflecting the flow of the \$460,000.00 taken from the Plessen Account via check #0376, including but not limited to each account that the \$460,000.00 was deposited or ultimately spent.

Response: Object. You cannot ask for “information” other than documents in a request for documents, to the extent that any documents are responsive, they are provided in response to the repetitive request # 9 below.

2. Please produce all information reflecting the purchase of the following parcels of real estate: a) Parcel No. 18A-4 Estate Smith Bay for \$1,000,000.00, Parcel No. 18A-5 Estate Smith Bay for \$1,000,000.00, and Parcel 18A-5 Estate Smith Bay for \$500,000.00, including all closing documentation and the source of the funds used for the purchases.

Response: Object. You cannot ask for “information” other than documents in a request for documents. Further, object as these purchases were made by a company unrelated and wholly independent from Plessen. There is a pending motion to clarify that there is no valid “equitable tracing” in this action.

3. Please produce any and all bank records for Banco Account No. 194602753 from March 1, 2013 to present.

Response: Object to any time period outside of the time the \$460,000 was in the possession of the Hameds. Moreover, object to all documents unrelated to this transaction in the account. The related documents are in the possession of the Yusufs and were produced by the Yusufs in SX-12-CV-370 as bates number FY012056.

4. Please produce all tax returns, profit and loss statements and gross receipt filings for all entities associated with the operation of Moe's Supermarket in St. Thomas, including but not limited to Five H Holdings, Inc. and KAC357, Inc. from March 2013 to present.

Response: Object. Moe's Supermarket, Five H Holdings, Inc. and KAC357, Inc. have no relationship to Plessen. Further, the time period in question runs from March 27, 2013, the date the \$460,000 check was written on the Plessen account, to April 19, 2013, the date the \$230,000 for Yusuf's shareholder half was deposited in escrow with the Clerk of the Court. There is a pending motion to clarify that there is no valid “equitable tracing” in this action.

5. Please produce all corporate records for Five H Holdings, Inc. from its inception thru to the present.

Response: Object. Five H Holdings, Inc. has no relationship to Plessen. There is a pending motion to clarify that there is no valid “equitable tracing” in this action. Further, the time period in question runs from March 27, 2013, the date the \$460,000 check was written on the Plessen account, to April 19, 2013, the date the \$230,000 for Yusuf’s shareholder half was deposited in escrow with the Clerk of the Court.

6. Please produce all corporate records for KAC357, Inc. from March 2013 to present.

Response: Object. KAC357, Inc. has no relationship to Plessen. There is a pending motion to clarify that there is no valid “equitable tracing” in this action. Further, the time period in question runs from March 27, 2013, the date the \$460,000 check was written on the Plessen account, to April 19, 2013, the date the \$460,000 was deposited in escrow with the Clerk of the Court.

7. Please produce any and all correspondence, email communication or text communication between any of the defendants relating to the removal of the \$460,000.00 from the Plessen Account and any subsequent transfers to other accounts or transactions.

Response: There are no such communications between the defendants that are not subject to privilege. See the supplied privilege log.

8. Please produce any and all information gathered in the defense of the criminal investigation including correspondence, email or other form of communication relating to the removal of the \$460,000.00 from the Plessen Account.

Response: Object. You cannot ask for “information” other than documents in a request for documents. See **Exhibit A** for a listing of documents by bates number responsive to this request.

9. Please produce any and all communications, electronic or otherwise relating to the removal of the \$460,000.00 from Plessen.

Response: There are no such communications between the defendants that are not subject to privilege. See the supplied privilege log.

10. Please produce any and all information relating to the Plessen Account with the Bank of Nova Scotia, Account No. 05800045012, including all information provided by the Bank of Nova Scotia pursuant to subpoena, any communication between the defendants and any agent or officer of Bank of Nova Scotia relating to the Plessen Account.

Response: Object. You cannot ask for "information" other than documents in a request for documents. Further objecting, no time frame has been given for "any communication between the defendants and any agent or officer of Bank of Nova Scotia relating to the Plessen Account" and thus is an overly broad request. See **Exhibit A** for a listing of documents by bates number responsive to this request.

Respectfully submitted,

HAMMECKARD, LLP



Dated: April 18, 2017

By:

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Mufeed Hamed, Hisham Hamed and Five-H
Holdings, Inc.

CERTIFICATE OF SERVICE

I hereby certify that this document complies with the page or word limitation set forth in Rule 6-1(e) and that on this 18th day of May, 2017, I served a copy of the foregoing by email, as agreed by the parties, and sent the documents by US Postal Service, on:

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**Exhibit A - Wally Hamed's Responses to RFPDs in SX-13-CV-120
May 18, 2017**

Bates Range	RFPDs No.
HAMD629198-HAMD629206	8
HAMD648651R-HAMD648662R	8
HAMD631442-HAMD631454	10
HAMD631457-HAMD631459	10
HAMD631463-HAMD631469	10
HAMD631491-HAMD631495	10
HAMD631496-HAMD631500	10
HAMD631501-HAMD631506	10
HAMD631523-HAMD63152	10
HAMD631525-HAMD631526	10
HAMD631527-HAMD631529	10
HAMD631648-HAMD631650	10
HAMD631651-HAMD631653	10
HAMD631654-HAMD631656	10
HAMD631657-HAMD631659	10
HAMD631660-HAMD631663	10
HAMD631664-HAMD631667	10
HAMD631668-HAMD631810	10
HAMD631928-HAMD631932	10
HAMD632358-HAMD632360	10
HAMD632361-HAMD632364	10
HAMD632365-HAMD632368	10
HAMD632369-HAMD632371	10
HAMD632372-HAMD632375	10
HAMD632843-HAMD632850	10
HAMD648609-HAMD648613	10
HAMD648614-HAMD648615	10
HAMD648616-HAMD648618	10
HAMD648619-HAMD648620	10
HAMD648621-HAMD648622	10
HAMD648629-HAMD648631	10
HAMD648632-HAMD648635	10
HAMD648636-HAMD648640	10
HAMD648643-HAMD648644	10
HAMD648810-HAMD648822	10
SCOT500518-SCOT500519	10
SCOT500540-SCOT500544	10
SCOT501300-SCOT501941	10
SCOT501942-SCOT502058	10
SCOT502059-SCOT502201	10
Documents Previously Produced on 11/10/2016	
PEOP100674-PEOP100675	8, 10
PEOP100529-PEOP100566	8, 10

Privilege Log

Yusuf Yusuf, et. al. v. Wally Hamed, et. al.

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2015-2016 Emails between Hamed defendants and counsel – Attorney Client Privilege