

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

HISHAM HAMED, individually,
and derivatively for
SIXTEEN PLUS CORPORATION,

Plaintiffs/Counterclaim Defendant,

vs.
MANAL MOHAMMAD YOUSEF,

Defendant/Counterclaim Plaintiff.

CIVIL NO. SX-16-CV-00065

ACTION FOR
DECLARATORY JUDGMENT
CICO and FIDUCIARY DUTY

JURY TRIAL DEMANDED

MANAL MOHAMMAD YOUSEF,
a/k/a MANAL MOHAMAD YOUSEF,

Plaintiff,

vs.
SIXTEEN PLUS CORPORATION,

Defendant.

CIVIL NO. SX-17-CV-342

ACTION FOR DEBT AND
FORECLOSURE OF REAL
PROPERTY MORTGAGE

COUNTERCLAIM FOR
DAMAGES

JURY TRIAL DEMANDED

SIXTEEN PLUS CORPORATION,

Counterclaim Plaintiff,

Vs.
MANAL MOHAMMAD YOUSEF a/k/a
MANAL MOHAMAD YOUSEF and
FATHI YUSUF,

Counterclaim Defendants.

**MANAL MOHAMMAD YOUSEF'S RESPONSE TO
SECOND REQUESTS TO ADMIT**

COMES NOW, MANAL MOHAMMAD YOUSEF (hereinafter "**Manal Yousef**"), through her undersigned attorney, James L. Hymes, III, hereby responds to the Second Requests to Admit to Manal Yousef, propounded by Sixteen Plus, as follows:

GENERAL OBJECTIONS

1. Manal Yousef submits and incorporates into each request the following general objections to the Second Requests to Admit propounded by Sixteen Plus, set forth herein, and further, by submitting her responses to the Second Requests to Admit, does not waive any objections to subject matter jurisdiction, personal jurisdiction, service of process, improper venue, insufficiency of process, insufficiency of service of process, or failure to state a claim upon which relief can be granted, or any other defense or objection which may be presented whether by pleading or motion in this action:

2. Manal Yousef objects to each request contained in the Second Requests to Admit to the extent such request asks for communications between her and her lawyers; these attorney-client communications are privileged and not subject to disclosure.

3. Manal Yousef objects to each request contained in the Second Requests to Admit to the extent such request asks for disclosure of material prepared by or for her lawyers or her representatives in the course of securing legal counsel, or in anticipation and defense of litigation; this material is protected from disclosure by the work product doctrine. Similarly, Manal Yousef objects to each request contained in the Second Requests to Admit to the extent such request asks for communications between her and her lawyers on the grounds of the privilege afforded to parties with a common interest or joint defense.

4. Manal Yousef has made the following responses without waiving: (1) the right to object to the use of any response for any purposes, in this action or in any other actions, on the grounds of privilege, relevance, materiality, or anything else appropriate; (2) the right to object to any other requests involving or relating to the subject matter of this response; and (3) the right to revise, correct, supplement, or clarify these responses should his ongoing investigation in defense of this action warrant such changes.

5. Manal Yousef generally objects to any request that purports to impose requirements more burdensome and beyond the scope of those set forth under the Federal Rules of Civil Procedure, including without limitation Rule 36. Furthermore, objection is made to each and every request that is uncertain as to time and purports to request admissions as to facts or circumstances unrelated in time to any issue or claim in this action.

6. Manal Yousef objects to being asked to respond to any form of written discovery which is propounded fraudulently and in contradiction of the Answer of Sixteen Plus Corporation and Hisham Hamed to the Complaint to foreclose the note and mortgage, and the affirmative defenses raised in contravention thereto, which appear to deny the legal sufficiency and/or the existence of a valid note and mortgage, or that payments of interest were made by Sixteen Plus Corporation as required by the note and mortgage, and further objects to any response to a fraudulent form of discovery being used against her, and affirmatively asserts that responses and answers to written discovery are given with the assumption that written discovery is being propounded in good faith and with the knowledge that the note, mortgage and payments of interest as required thereby were in fact lawfully issued and made.

REQUESTS TO ADMIT

Request to Admit 14

Admit or Deny that you understand that Fathi Yusuf has refused to answer discovery related to the facts surrounding the Note and Mortgage at issue here on the basis of the 5th Amendment to the U.S. Constitution.

Response:

DENY that MMY has any understanding that Fathi Yusuf refused to answer discovery related to the facts surrounding the Note and Mortgage at issue here on the basis of the Fifth Amendment to the U.S. Constitution, for the reason that neither she nor her attorneys participated in discovery propounded to or elicited from him.

Request to Admit 15

Admit or Deny that you understand that his refusal to answer discovery on the basis of the 5th Amendment is because he is asserting his right against self-incrimination in an existing or potential criminal matter.

Response:

DENY that MMY has any understanding that Fathi Yusuf refused to answer discovery, or knowledge of the reasons for doing so if he did, for the reason that neither she nor her attorneys participated in discovery propounded to or elicited from him.

Request to Admit 16

Admit or Deny that you have been informed that you are or may be a person of interest, a target, or indicted in a pending or potential criminal matter.

Response:

DENY that anyone has informed her that she may be a person of interest, a target, or indicted in a pending or potential matter except from this request to admit which, if it is threatening a crime, is an impermissible form of discovery, criminal in and of itself, and an unethical form of discovery to be conducted by the attorneys in this jurisdiction.

Request to Admit 17

Admit or Deny that you either believe or fear that you are or may be a person of interest, a target, or indicted in a pending or potential criminal matter.

Response:

DENY for the same reasons set forth in the denial in the Request to Admit 16, above.

Request to Admit 18

Admit or Deny that you have, at some point in your life, been within the physical premises of the United States; which shall include its mainland, territories, possessions, the commonwealth of Puerto Rico or physical premises in foreign lands such as embassies, military bases or special use zones.

Response:

DENY for the reason that this Request to Admit is unintelligible, but to the extent it asks if Manal Yousef has ever been physically present in the United States, Puerto Rico(sic), the Virgin Islands, or other places set forth therein, this request is DENIED, with the exception that she went to the US Embassy in Amman, Jordan, in 2017, to apply for a Visa, which was denied.

Request to Admit 19

Admit or Deny that, at the time you are answering this request, you are willing to physically attend a trial in this matter in the USVI.

Response:

ADMIT, but DENY that she will be able to do so because she is unvaccinated and therefore cannot be issued a Visa to travel to the United States or its territories.

Request to Admit 20

Admit or Deny that you are, at the time you are answering this request, physically able to physically attend a trial in this matter in the USVI.

Response:

ADMIT, but DENY that she will be able to do so because she is unvaccinated and therefore cannot be issued a Visa to travel to the United States or its territories.

Request to Admit 21

Admit or Deny that you are willing to apply for a Visa to attend a trial in this matter in the USVI.

Response:

ADMIT, but DENY that she will be able to do so because she is unvaccinated and therefore cannot be issued a Visa to travel to the United States or its territories.

Request to Admit 22

Admit or Deny that at the time you are answering this request if you had the appropriate visa, you are not prevented from physically attending a trial in this matter in the USVI by any legal or other type of impediment.

Response:

ADMIT, but DENIES that she has been issued an appropriate visa to travel despite having made a request to do so, and for the reasons set forth in her Responses to Request to Admit Nos. 19, 20, and 21, above.

Request to Admit 23

Admit or Deny that you personally have not filed or paid any USVI taxes relating to any interest payments you have received from Sixteen Plus.

Response:

ADMIT, and further ADMITS that she is willing to make any payment of income tax obligations due at the conclusion of this litigation and following an admission by the plaintiffs in Civil No. SX-2016-CV-00065, that such payments

were made, and following submission of documentation proving that three payments of interest due on her Note and Mortgage were made which has been denied to date.

Request to Admit 24

Admit or Deny that you personally have not filed or paid any USVI income taxes relating to any interest payments you have received from Sixteen Plus.

Response:

ADMIT for the same reasons set forth in Request to Admit No. 23, above.

Request to Admit 25

Admit or Deny that you personally have not ever filed or paid any USVI income taxes relating to USVI source income.

Response:

ADMIT for the same reasons set forth in Request to Admit No. 23, above.

Request to Admit 26

Admit or Deny that neither Isam nor Jamil have filed or paid any USVI income taxes for you relating to USVI source income.

Response:

ADMIT for the same reasons set forth in Request to Admit No. 23, above.

Request to Admit 27

Admit or Deny that neither Isam or Jamil have ever filed or paid, for you, any USVI income taxes on interest payments from Sixteen Plus to you.

Response:

ADMIT for the same reason forth in Request to Admit No. 23, above.

Respectfully Submitted,

DATED: October 5, 2022.

LAW OFFICES OF JAMES L. HYMES, III, P.C.
*Counsel for Plaintiff/Counterclaim
Defendant Manal Mohammad Yousef
a/k/a Manal Mohamad Yousef*

By: */s/ James L. Hymes, III*

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CERTIFICATE OF SERVICE

I hereby certify that on this the 5th day of October, 2022, I caused an exact copy of the foregoing ***"Manal Mohammad Yousef's Response to Second Requests to Admit"*** to be served electronically by e-mail to the following counsel of record:

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