

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

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

Plaintiffs/Counterclaim Defendant,

v.

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***

v.

SIXTEEN PLUS CORPORATION,

Defendant.

CIVIL NO. SX-17-CV- 00342

**ACTION FOR DEBT AND
FORECLOSURE**

**COUNTERCLAIM FOR
DAMAGES**

JURY TRIAL DEMANDED

SIXTEEN PLUS CORPORATION,

Counterclaim Plaintiff,

v.

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

Counterclaim Defendants, and

FATHI YUSUF,

Third Party Defendant.

NOTICE OF FOURTH RULE 26 DISCLOSURES

COMES NOW Carl J. Hartmann, co-counsel for Sixteen Plus, and gives notice of the *Fourth* Rule 26 Disclosure:

1. On October 3, 2022, counsel sent an email to Attorney Hymes. That email stated the following:

In the Rule 37 conference with Charlotte recently it occurred to me that since you and DNF are not technically co-counsel in these cases, your clients may never have actually gotten **the MASSIVE production of documents from the FBI in the criminal case**. I know Isam was indicted, but not extradited. **Both Yusuf and Hamed were supplied these post-indictment**, and we have all agreed to not produce and re-produce them to each other. There are documents in there that relate to the money laundering, note, mortgage and Sixteen Plus generally. I don't believe that either side has ever done a comprehensive indexing—we have not. **Documents Hamed has pulled for our use have been provided to you**—but we are now going back through them as part of the Rule 37 discussions, to further respond to discovery. There are tens and tens of thousands of documents—and Hamed received one set from Yusuf's prior counsel in the 370 case (DiRuzzo) and another from Hamed's criminal lawyer Randy Andreozzi. In addition, more recently Yusuf and Hamed cooperated on a document room on STT in which more FBI Docs from PR were jointly scanned by Joyce Bailey (our are prefix FBIX). Many, many more. Do you want these? (Emphasis added.)

2. No response was forthcoming. On October 31, 2022, counsel sent a second proffering email to Attorney Hymes. That email stated the following:

In the October 3, 2022 email below, I informed you that:

There are tens and tens of thousands of documents—and Hamed received one set from Yusuf's prior counsel in the 370 case (DiRuzzo) and another from Hamed's criminal lawyer Randy Andreozzi. In addition, more recently Yusuf and Hamed cooperated on a document room on STT in which more FBI Docs from PR were jointly scanned by Joyce Bailey (ours are prefix FBIX). Many many more. . . .

And I enquired, "Do you want these? " I have not received a response. In addition, I want to inform you of a correction and about an additional repository of documents that have been jointly reviewed with DNF. I want to make it clear that only the documents selected by Kim and Charlotte were scanned and produced from the STX document roo[m] with the FBI-PR documents. In addition, there are 112 Boxes of documents from prior joint criminal counsel and CPAs (many duplicates of the FBI documents) that were examined in Buffalo, NY, by Kim Japinga and Charlotte Perrell. All documents they thought were relevant were

scanned. The remainder of the boxes were shipped to STX and placed on shrink-wrapped pallets by Hamed when Yusuf was uninterested in retaining them. They are available for your inspection.

I think that both we and Mr. Yusuf's counsel believe that all of the relevant documents were scanned and have been produced to you where applicable in the 650 and 342/65 cases. However, as my prior email regarding the French Banking Report shows, this was a MASSIVE number of documents, and focus may change in a case even if every document was individually reviewed. Thus, **I proffer them to your clients for their review in the manner in which they are being kept in the normal course of business. If, however, you wish to review them at your office or elsewhere, please let me know, and we will arrange for them to be brought there—and charge you only the cost of the movers.**

No documents have been disposed of. All inspections are logged by the paralegal/lawyers involved. We have been careful to retain anything from these cases and the prior criminal actions that have been located after a very diligent effort. (Emphasis added.)

3. Despite the fact that neither Hisham Hamed of Sixteen Plus is in control of these documents, his counsel offered to secure access and facilitate either inspection or delivery to counsel for Manal Yousuf, Isam Yousuf and Isam Yousuf. That proffer was ignored, and lapsed as set forth above.

4. The initial "FBI" criminal documents are not the property of Hisham Hamed or Sixteen Plus Corporation. Rather, as stated above, they are materials in the possession of both Fathi Yusuf's counsel (DNF) and Waleed Hamed's counsel (Hartmann) in the 370 action.

5. The additional documents from FBI Puerto Rico and Buffalo, New York, are also not the property of Hisham Hamed or Sixteen Plus Corporation. Rather, as stated above, they are in the joint possession of Fathi Yusuf's counsel (DNF) and Waleed Hamed's counsel (Hartmann) in the 370 action.

Dated: October 29, 2022

A handwritten signature in black ink, appearing to read "Carl J. Hartmann III", with a long horizontal flourish extending to the right.

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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 29th day of October, 2022, I served a copy of the foregoing by email, as agreed by the parties, on:

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/s/ Carl J. Hartmann III