



**R E V I S I O N / L E G A L**

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September 20, 2019

**VIA ECF ONLY**

Hon. Ronnie Abrams  
United States District Court  
40 Foley Square, Room 2203  
New York, New York 10007

**RE:** Defendants' August 26, 2019 Letter to the Court  
*BMaddox Enterprises LLC v. Milad Oskouie, et al.*, 17-cv-1889-RA-HBP

Dear Judge Abrams:

Although it is unclear what relief Defendants are seeking in their August 26, 2019 letter to the Court, ECF No. 175, the letter contains several mischaracterizations. Counter Defendant Brandon Maddox ("Maddox") is not attempting to frustrate an enforceable court order. The default judgment that issued from the Supreme Court of New South Wales (the "Judgment") that Defendant Milad Oskouie ("Oskouie") referenced in his April 29, 2019, ECF No. 174, and August 26, 2019, ECF No. 175, letters to the Court is not enforceable for several reasons.

First, the Supreme Court of New South Wales did not have jurisdiction over Maddox. Both the United States and Australia are signatories to the Hague Convention. *Elec. Frontier Found. v. Global Equity Mgmt. (SA) Pty Ltd*, 290 F. Supp. 3d 923, 946 (N.D. Cal. 2017). "The Hague Convention provides for service via a 'central authority' in the receiving nation, which in the United States is the Department of Justice." *Id.* Because Maddox was not properly served, enforcement of the Judgment referenced by Oskouie in the United States is barred by the Securing the Protection of our Enduring and Established Constitutional Heritage Act ("SPEECH Act"), 28 U.S.C. §§ 4101-4105. In the relevant part, the SPEECH Act states:

[n]otwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation unless the domestic court determines that the exercise of personal jurisdiction by the foreign court comported with the due process requirements that are imposed on domestic courts by the Constitution of the United States.

28 U.S.C. § 4102(b)(1).

The SPEECH Act also bars enforcement of a foreign judgment for defamation unless the law applied by the foreign court “provided at least as much protection for freedom of speech and press in that case as would be provided by the first amendment . . . and by the constitution and law of the State in which the domestic court is located” or “the party opposing recognition or enforcement of that foreign judgment would have been found liable for defamation by a domestic court applying the first amendment . . . and the constitution of the State in which the domestic court is located.” 28 U.S.C. § 4102(a)(1)(A) and (B). The Northern District of California has considered a defamation judgment from the Supreme Court of South Australia and held that the defamation law applied did not provide the same protections afforded by United States law. *Elec. Frontier Found.*, 290 F. Supp. 3d at 946.

Oskouie’s lawsuit against Maddox in Australia was not brought in good faith. Oskouie brought a similar lawsuit against Fairfax Media Publications Pty Ltd, which publishes The Sydney Morning Herald. Oskouie’s lawsuit against Fairfax Media was predicated on a June 17, 2017 article about the above-captioned case. (Ex. A.) The reporter who wrote the story suffered the same harassment that Maddox, his family, Plaintiff’s attorneys, Plaintiff’s attorneys’ families, and several other parties who have participated in the above-captioned lawsuit continue to experience. (Pl.’s Mem. Supp. Second Mot. Sanctions, ECF No. 113 at 4; Duff Third Decl. ¶ 30, Ex. H.) When Fairfax Media appeared and defended itself, the Federal Court of Australia not only dismissed Oskouie’s claims, it ordered Oskouie to pay Fairfax Media’s costs of the proceeding. (Ex. B.)

As further evidence that Oskouie’s defamation lawsuits in Australia were brought in bad faith, Oskouie does not appear to be residing in Australia. The senders address shown in Oskouie’s April 29, 2019 letter to the Court recites an address in London. (ECF No. 174, 28.) Earlier this month, the police in New South Wales visited the Australian address that Oskouie listed as his own in his Australian court filings. Oskouie’s father told the constable that “as far as he knows Milad Oskouie has not returned to Australia.” (Ex. C.)

Oskouie’s Australian lawsuits are just a small part of Oskouie’s ongoing harassment of several persons connected to this case. Defendants regularly email all of Plaintiff’s clients using the email list Defendants stole from Plaintiff. These emails go beyond attempts to siphon business from Plaintiff and personally attack Maddox. (Ex. D.) Oskouie’s constant emails to Plaintiff’s email list and other unlawful activity drew the attention of the NRA Business Alliance earlier this year, which sent out a notice to its members stating in part “It has come to our attention that a company called FFL Trust has used our NRA Business Alliance logo without our knowledge or permission . . . to mislead our members into believing we have a partnership with them.” (Ex. E.)

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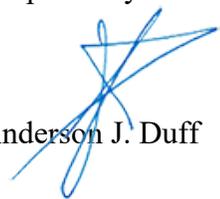
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Plaintiff looks forward to a resolution of the above-captioned matter so that it can interrupt Defendants' harassment of Plaintiff's customers and personal attacks aimed at several persons connected to this action as well as their families.

Respectfully submitted,

Anderson J. Duff



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Encls.