

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BMADDOX ENTERPRISES LLC,)	
	Plaintiff,)	Case No. 17-cv-1889-RA-SLC
	v.)	
)	
MILAD OSKOUIE, OSKO M LTD, and)	
PLATINUM AVENUE HOLDINGS PTY, LTD,)	
	Defendants.)	
<hr/>)	
MILAD OSKOUIE and PLATINUM AVENUE)	
HOLDINGS PTY, LTD,)	
	Counterclaim Plaintiffs,)	
	v.)	
)	
BMADDOX ENTERPRISES LLC and)	
BRANDON MADDOX,)	
	Counterclaim Defendants.)	
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**DECLARATION OF BRANDON MADDOX IN SUPPORT OF PLAINTIFF AND
COUNTERCLAIM DEFENDANT'S MOTION FOR DEFAULT JUDGMENT AND A
PERMANENT INJUNCTION AGAINST DEFENDANTS AND COUNTERCLAIM
PLAINTIFFS PLATINUM AVENUE HOLDINGS PTY, LTD AND OSKO M LTD**

I, Brandon Maddox, state as follows:

1. I am an owner of BMaddox Enterprises LLC (“BMaddox”).

2. I have reviewed the document referred to in the Verified Complaint (“Complaint”) as Exhibit A and confirm that it is a true and correct copy of the copyright registration I received for the work described in the Complaint. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of it to this declaration as **Exhibit A**.

3. I have reviewed the document referred to in the Complaint as Exhibit B and confirm that it is a true and correct copy of the federal trademark registration I received for the work described in the Complaint. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of it to this declaration as **Exhibit B**.

4. I have reviewed the document referred to in the Complaint as Exhibit C-1 and confirm that it is a true and correct copy of relevant excerpts from my educational guide protected by the copyright registration shown in Exhibit A referenced above and the infringing guide sold by Defendants at the time the Complaint was filed. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of these excerpts to this declaration as **Exhibit C-1**.

5. I have reviewed the document referred to in the Complaint as Exhibit C-2 and confirm that it is a true and correct copy of relevant excerpts from my educational guide protected by the copyright registration shown in Exhibit A referenced above and the infringing guide sold by Defendants at the time the Complaint was filed. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of these excerpts to this declaration as **Exhibit C-2**.

6. I have reviewed the document referred to in the Complaint as Exhibit C-3 and confirm that it is a true and correct copy of relevant excerpts from my educational guide protected by the copyright registration shown in Exhibit A referenced above and the infringing guide sold by Defendants at the time the Complaint was filed. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of these excerpts to this declaration as **Exhibit C-3**.

7. I have reviewed the document referred to in the Complaint as Exhibit C-4 and confirm that it is a true and correct copy of relevant excerpts from my educational guide protected by the copyright registration shown in Exhibit A referenced above and the infringing guide sold by Defendants at the time the Complaint was filed. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of these excerpts to this declaration as **Exhibit C-4**.

8. I have reviewed the document referred to in the Complaint as Exhibit D-1 and confirm that it is a true and correct copy of relevant excerpts from my educational guide protected by the copyright registrations obtained by BMaddox during the pendency of this lawsuit and the infringing website setup by Defendants at *ffltrust.com* as viewed near the time the Complaint was filed. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of these excerpts to this declaration as **Exhibit D-1**.

9. I have reviewed the document referred to in the Complaint as Exhibit D-2 and confirm that it is a true and correct copy of relevant excerpts from my educational guide protected by the copyright registrations obtained by BMaddox during the pendency of this lawsuit and the infringing website setup by Defendants at *ffltrust.com* as viewed near the time the

Complaint was filed. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of these excerpts to this declaration as **Exhibit D-2**.

10. I have reviewed the document referred to in the Complaint as Exhibit D-3 and confirm that it is a true and correct copy of relevant excerpts from my educational guide protected by the copyright registrations obtained by BMaddox during the pendency of this lawsuit and the infringing website setup by Defendants at *ffltrust.com* as viewed near the time the Complaint was filed. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of these excerpts to this declaration as **Exhibit D-3**.

11. I have reviewed the document referred to in the Complaint as Exhibit D-4 and confirm that it is a true and correct copy of relevant excerpts from my educational guide protected by the copyright registrations obtained by BMaddox during the pendency of this lawsuit and the infringing website setup by Defendants at *ffltrust.com* as viewed near the time the Complaint was filed. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of these excerpts to this declaration as **Exhibit D-4**.

12. I have reviewed the document referred to in the Complaint as Exhibit D-5 and confirm that it is a true and correct copy of relevant excerpts from my educational guide protected by the copyright registrations obtained by BMaddox during the pendency of this lawsuit and the infringing website setup by Defendants at *ffltrust.com* as viewed near the time the Complaint was filed. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of these excerpts to this declaration as **Exhibit D-5**.

13. I have reviewed the document referred to in the Complaint as Exhibit D-6 and confirm that it is a true and correct copy of relevant excerpts from my educational guide protected by the copyright registrations obtained by BMaddox during the pendency of this

lawsuit and the infringing website setup by Defendants at *ffltrust.com* as viewed near the time the Complaint was filed. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of these excerpts to this declaration as **Exhibit D-6**.

14. I have reviewed the document referred to in the Complaint as Exhibit E-1 and confirm that it is a true and correct copy of the HTML code for *ffltrust.com* as viewed on February 20, 2017. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of it to this declaration as **Exhibit E-1**.

15. I have reviewed the document referred to in the Complaint as Exhibit E-2 and confirm that it is a true and correct copy of the HTML code for *ffl123.com* as viewed on February 20, 2017. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of it to this declaration as **Exhibit E-2**.

16. I have reviewed the document referred to in the Complaint as Exhibit F-1 and confirm that it is a true and correct copy of one of BMaddox's regular email newsletters sent to consumers and prospective consumers. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of it to this declaration as **Exhibit F-1**.

17. I have reviewed the document referred to in the Complaint as Exhibit F-2 and confirm that it is a true and correct copy of one representative sample of the email newsletters regularly sent to my customers and prospective customers by Defendants. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of it to this declaration as **Exhibit F-2**. Emails like these have damaged my company's credibility and caused my staff and I to deal with many consumers who believed these emails came from BMaddox. Defendants continue to send these emails to my customers and prospective customers to this day. The email list used by Defendants to send out emails like the one represented in

Exhibit F-2 includes one of my in-laws who did not sign up to receive such emails and does not make their email address public.

18. I have reviewed the document referred to in the Complaint as Exhibit G-1 and confirm that it is a true and correct copy of the DMCA takedown notice I sent to MailChimp on June 15, 2016. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of it to this declaration as **Exhibit G-1**.

19. I have reviewed the document referred to in the Complaint as Exhibit G-2 and confirm that it is a true and correct copy of the DMCA counternotification Defendants sent to MailChimp in response to my takedown notification shown in Exhibit G-1. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of it to this declaration as **Exhibit G-2**.

20. I have reviewed the document referred to in the Complaint as Exhibit G-3 and confirm that it is a true and correct copy of the DMCA takedown notice I sent to AWS on June 16, 2017. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of it to this declaration as **Exhibit G-3**.

21. I have reviewed the document referred to in the Complaint as Exhibit G-4 and confirm that it is a true and correct copy of the DMCA counternotification Defendants sent to AWS in response to my takedown notice shown in Exhibit G-3, which I received on January 23 2017. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of it to this declaration as **Exhibit G-4**.

22. I have reviewed the document referred to in the Complaint as Exhibit H-1 and confirm that it is a true and correct copy of several federal firearms licenses that have issued to me in recent years and published in my educational guide protected by the copyright registration

shown in Exhibit A. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of it to this declaration as **Exhibit H-1**.

23. I have reviewed the document referred to in the Complaint as Exhibit H-2 and confirm that it is a true and correct copy of several federal firearms licenses that have issued to me in recent years but were digitally altered by Defendants and published in the guide they sell and market to my consumers and prospective consumers through their infringing website at *ffltrust.com* and through their marketing campaign discussed in paragraph 17 above. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of it to this declaration as **Exhibit H-2**.

24. I have reviewed the document referred to in the Complaint as Exhibit I and confirm that it is a true and correct copy of the Shutterstock image used by Defendants on their infringing website to represent their fictional president, "Henry Jackson," as viewed near the filing date of the Complaint. Because the exhibits referenced in the Complaint do not appear on the docket, I attached a copy of it to this declaration as **Exhibit I**.

25. I have reviewed the document referred to in Plaintiff's Reply to Defendants' Memorandum Opposing Plaintiff's Application for Preliminary Injunction as Exhibit C on the docket as ECF No. 28-3 and confirm that it is a true and correct copy of a publication titled *The FFL Insider Report 2016* published by Defendants on their infringing website at *ffltrust.com* and through their marketing campaign discussed in paragraph 17 above. Through my experience with the complex regulations governing federal firearms licensing, I know that the prefix "3-45" shown on the federal firearms license shown in Exhibit C, referenced in this paragraph above, references a specific geographic region that does not overlap with the address shown in the same image.

26. I have reviewed the document referred to in Plaintiff's Reply to Defendants' Memorandum Opposing Plaintiff's Application for Preliminary Injunction as Exhibit D on the docket as ECF No. 28-4 and confirm that it is a true and correct copy of examples of customer reviews stolen from my website and published by Defendants on their infringing website at *ffltrust.com*.

27. Minnehaha County, identified in the venue provision of the terms of use copied from my website at *ffl123.com* and used by Defendants on *ffltrust.com*, is a county where my company operates in South Dakota. There is no Minnehaha County in Luxembourg.

28. BMaddox enterprises spent roughly \$45,000 per year creating and maintaining its website at *ffl123.com* during the first five years of its existence.

29. At the time the website *ffl123.com* was de-indexed by Defendants, it generated roughly \$10,000 per week in profit.

30. Based on my experience in the industry, I estimate that the email list of customers and prospective customers that Defendants stole from me would have generated at least \$50,000 in profit.

31. BMaddox is an industry leader in educational materials related to federal firearms licensing with locations in 42 states.

32. The IP address 203.191.202.50 was used to access BMaddox's Upwork.com account 66 times, my Rackspace.com account once, and my Benchmarkemail.com account 4 times.

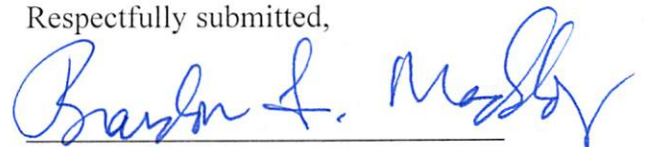
33. The IP address 203.219.96.190 was used to access my personal Upwork.com account 5 times.

I declare under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. § 1746.

Dated: July 17, 2020

Respectfully submitted,

By:



Brandon Maddox