

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

_____)	
BMADDOX ENTERPRISES LLC,)	
)	
Plaintiff,)	Case No. 17-cv-1889-RA-HBP
)	
v.)	
)	
MILAD OSKOUIE, OSKO M LTD, and)	
PLATINUM AVENUE HOLDINGS PTY, LTD,)	
)	
Defendants.)	
_____)	
MILAD OSKOUIE and PLATINUM AVENUE)	
HOLDINGS PTY, LTD,)	
)	
Counterclaim Plaintiffs,)	
)	
v.)	
)	
BMADDOX ENTERPRISES LLC and)	
BRANDON MADDOX,)	
)	
Counterclaim Defendants.)	
_____)	

**PLAINTIFF AND COUNTERCLAIM DEFENDANTS' BRIEF IN SUPPORT OF THEIR
SECOND MOTION FOR SANCTIONS**

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PRELIMINARY STATEMENT

Regrettably, this is not Plaintiff's first request for sanctions in this case. On September 7, 2017, Plaintiff BMaddox Enterprises LLC ("BMaddox") filed a motion for sanctions pursuant to Rule 11 of the Fed. R. Civ. P. (Pl.'s First Mot. Sanctions, ECF No. 55.) BMaddox's memorandum in support of its first motion for sanctions under Rule 11 describes Defendants' abusive filings as of September of last year. (Pl.'s Mem. Supp. First Mot. Sanctions, ECF No. 56.) In the months after Defendants appeared in this case, they have filled the docket with baseless filings. These include sixteen counterclaims, Defs.' Answer, ECF No. 32, and a meritless argument asking for a temporary restraining order, Defs.' Mem. Supp. TRO, ECF No. 33. BMaddox's first motion for sanctions under Rule 11 and motion to dismiss Defendants' scattershot counterclaims are pending before the Court.

BMaddox's first motion for sanctions is largely premised on Defendants' misrepresentations to the Court and abusive filings. It is, in part, however, predicated on the overtures to what has become a clear pattern of intimidation and harassment that several parties unlucky enough to upset Defendant Oskouie have endured. In an August 18, 2017 letter to the Court, counsel for BMaddox first called attention to a spear phishing attack in the form of emails made to look as though Plaintiff's undersigned counsel had emailed his partner with a malicious link. (Letter, ECF No. 52.) In support of Plaintiff's first motion for sanctions, Brandon Maddox also submitted a declaration describing several false complaints filed against him with the Federal Bureau of Investigation ("FBI") beginning on or around January 4, 2017. (Brandon Decl. ¶ 2, ECF No. 57.) Brandon's declaration also described disruptive phone calls from Defendant Oskouie to Brandon's business, personal phone, and an unlisted phone number belonging to one of Brandon's family members. (Brandon Decl. ¶¶ 12-15, ECF No. 57.) In the interim, Plaintiff's counsel and others tangentially related to this case have weathered an escalating pattern of

harassment as noted in an October 4, 2017 letter to the Court. (Letter, ECF No. 70.) On February 16, 2018, Plaintiff's undersigned counsel received a visit from two detectives working for the New York Police Department's Special Victims Division who were investigating an anonymous tip that Plaintiff's undersigned counsel was running a child pornography/pedophilia/arms dealing ring from his apartment in connection with the "Russian mob." (Letter, ECF No. 107.)

As noted by the Court at the March 6, 2018 discovery hearing, the harassment described in the aforementioned letters was not wholly supported by evidence in the record. Because the pattern of harassment unmistakably points to Defendant Oskouie as the harasser, Plaintiff has filed its current motion to catalog Defendant Oskouie's harassment and ask the Court to impose sanctions upon Defendants.

STATEMENT OF FACTS

Since at least as early as January 4, 2017, Brandon Maddox and his family have dealt with harassment at the hands of Defendant Oskouie in the form of abusive phone calls and fabricated criminal complaints. (Brandon Decl. ¶¶ 2, 12-14, ECF No. 57.) Because of Defendant Oskouie, Brandon Maddox and his family fear for their safety. (Brandon Decl. ¶ 15, ECF No. 57.) Other persons involved in this case, even tangentially, fear for their own safety, which has directly impacted BMaddox's ability to effectively and efficiently litigate its claims.

A. Online Harassment of Plaintiff's Counsel

Early in this litigation, Plaintiff's counsel received at least two email phishing attacks that corresponded with significant events in the above-captioned lawsuit. (Duff Third Decl. ¶¶ 3-5.) Shortly thereafter, Plaintiff's counsel began to notice poorly written, obviously false complaints about Plaintiff's undersigned counsel and Revision Legal, PLLC. (Duff Third Decl. ¶ 6.) For example, a September 20, 2017 post alleged that Plaintiff's undersigned counsel misused trust funds and was known as a "used car salesman" in New York City legal circles. (Duff Third Decl.

¶ 6.) During the past few months, these specious complaints multiplied and became obscene. (Duff Third Decl. ¶ 17.) These posts about Plaintiff's undersigned counsel contain many horrific and false statements such as: "[h]e . . . runs a child pedophilia ring from New York City from his apartment," "[h]e was able to bribe the police to get away with being charged for CHILD RAPE when he burgled my house," and "hIS [sic] MOTHER CINDY DUFF ENCOURAGE [sic] HIM TO RAPE MY SON." (Duff Third Decl. ¶ 17, Ex. A.) Several of the posts accusing Plaintiff's undersigned counsel of sexually abusing children include his home address. (Duff Third Decl. ¶ 18.)

This is especially concerning because at least two persons have contacted Plaintiff's undersigned counsel during the campaign of intimidation described above. On October 6, 2017 at 7:10 p.m. ET, a person using the name Alex Delarge who is unknown to Plaintiff's counsel wrote the following message to Plaintiff's counsel on Facebook: "are you that child molester?" (Duff Third Decl. ¶ 20, Ex. B.) On January 14, 2018, Plaintiff's undersigned counsel received a text message on his personal cell phone from a Russian phone number stating "[y]ou will pay a big price." (Duff Third Decl. ¶ 21.) This harassment has *only* occurred during the pendency of the above-captioned lawsuit. (Duff Third Decl. ¶ 22.)

B. Online Harassment of BMaddox

Although BMaddox has not, to its knowledge, been accused of sexually abusing children, it has faced online harassment like the September 20, 2017 post that referred to Plaintiff's undersigned counsel as a "used car salesman." (Duff Third Decl. ¶ 23, Ex. C.) On June 29, 2016, a complaint was posted a false complaint about BMaddox on <ripoffreport.com>, the same website where many of the horrific allegations about Plaintiff's counsel appear. (Duff Third Decl. ¶ 23, Ex. C.) In this false complaint, the poster laments "I tried to write reviews about this

on Google Reviews, but I quickly got phone calls from the company demanding that I remove the reviews for slander.” (Duff Third Decl. ¶ 23, Ex. C.) Immediately prior to the false June 29, 2016 complaint, BMaddox did receive a large number of very similar one-star reviews on Google. (Duff Third Decl. ¶ 24, Ex. D.) One of the first of these highly similar one-star reviews was posted under the name of Buddy McGee. (Duff Third Decl. ¶ 24, Ex. D.) Buddy McGee is listed as the contact for a domain owned by Defendant Platinum Holdings Pty., Ltd., which is owned by Defendant Oskouie. (Duff Third Decl. ¶ 25, Ex. E.) This domain, <mymaster.com.au>, resolves to Defendant Oskouie’s <theunitutor.com> domain. (Duff Third Decl. ¶ 25, Ex. E.) Contrary to the poster on <ripoffreport.com>, the one-star Google reviews of BMaddox were removed by Google after an internal investigation and not because BMaddox called the reviewers threatening slander. (Duff Third Decl. ¶ 27, Ex. F.)

C. Online Harassment of a Reporter who Covered this Lawsuit

Unfortunately, Plaintiff, its attorneys, and their loved ones are not the only parties being harassed online. A reporter who published an article in The Sydney Morning Herald about the above-captioned lawsuit is facing the same horrific allegations concerning child abuse that continue to be leveled at Plaintiff’s undersigned counsel. (Duff Third Decl. ¶ 30, Ex. H.) As a grotesque example, one clearly false post reads, “Rachel . . . raped my children (Ibrahim) when he [sic] was 15 years old at Barker College.” (Duff Third Decl. ¶ 30, Ex. H.) This post is false on its face because 15-year-olds do not attend college. Many of the false posts about this reporter appear on the same websites as nearly identical posts about Plaintiff’s undersigned counsel. (Duff Third Decl. ¶ 30, Ex. H.) Several of these posts also include the reporter’s phone number, email address, place of employment, and a physical address. (Duff Third Decl. ¶ 30, Ex. H.) Just as Plaintiff’s undersigned counsel saw his mother accused of raping children, this reporter has

seen her family members targeted with nearly identical posts on the same websites. (Duff Third Decl. ¶ 30, Ex. H.)

D. Offline Harassment of Plaintiff's Counsel

In addition to the online campaign of vitriol described above, Plaintiff's counsel has begun to face real world harassment. On February 2, 2018, roughly one week after publicly filing a complaint on behalf of a new client, Strom Holdings, Plaintiff's counsel received a phone call from that client with troubling news. (Duff Third Decl. ¶ 28.) Strom Holdings had received a belligerent phone call from a man with a British accent who cursed at the customer service representative and told him that their new attorney was a pedophile. (Duff Third Decl. ¶ 28; Akey Decl., ECF No. 96.) Two weeks later, Plaintiff's undersigned counsel was startled by two detectives from the New York Police Department's Special Victims Division pounding on his door. (Duff Third Decl. ¶ 32.) The detectives were investigating an anonymous tip that Plaintiff's undersigned counsel was running a pedophile and arms ring out of his apartment in connection with Russian organized crime. (Duff Third Decl. ¶ 32.)

E. Libel Lawsuit Default Judgment Against Milad Oskouie

In an effort to remove the libelous postings about the undersigned counsel, his mother, and his colleagues, Revision Legal, PLLC filed a lawsuit against Milad Oskouie and John Doe defendants alleging defamation per se, false light invasion of privacy, and civil conspiracy. (Duff Third Decl. ¶ 35; Di Giacomo Decl. ¶ 2.) On March 5, 2018, the Thirteenth Circuit Court, Grand Traverse County, Michigan issued a judgment finding Oskouie liable for defamation per se, false light invasion of privacy, and civil conspiracy. (Di Giacomo Decl. ¶ 3.) The following day, Di Giacomo, a partner at Revision Legal, contacted Oskouie's attorney, Saul Roffe, in an attempt to settle the monetary judgment against Oskouie. (Di Giacomo Decl. ¶ 4.) The day after contacting

Roffe, March 7, 2018, Di Giacomo received five phone calls from Oskouie. (Di Giacomo Decl. ¶ 5.) The caller identification for each call listed the caller as “Anonymous.” (Di Giacomo Decl. ¶ 5.) Oskouie initially identified himself as “James” when the firm’s legal assistant answered the phone. (Di Giacomo Decl. ¶ 7.) Di Giacomo took two of Oskouie’s phone calls and spoke to him for roughly one hour in total. (Di Giacomo Decl. ¶ 6.)

When Di Giacomo first learned that “James” was actually Oskouie, Di Giacomo told Oskouie that he could not speak to him without his attorney present. (Di Giacomo Decl. ¶ 8.) Oskouie, however, insisted on speaking. (Di Giacomo Decl. ¶ 8.) Like the person who made an abusive call to Strom Holdings, Oskouie spoke with a British accent and called from a blocked number. (Akey Decl. ¶¶ 2, 5; Di Giacomo Decl. ¶ 9.) Oskouie told Di Giacomo that he “would not be threatened” and stated that the judgment issued against him in Michigan would be unenforceable against him in the Islamic Republic of Iran. (Di Giacomo Decl. ¶ 10.) Oskouie then offered to pay for first class tickets for Plaintiff’s undersigned counsel and Di Giacomo to fly to Iran to “settle this in person.” (Di Giacomo Decl. ¶ 11.) Oskouie’s first call was placed from a public sounding location and Di Giacomo clearly heard only English speakers in the background. (Di Giacomo Decl. ¶ 12.) Several minutes into Oskouie’s first call, he asked if Di Giacomo would allow him to call back in fifteen minutes, and Di Giacomo agreed. (Di Giacomo Decl. ¶ 13.) Oskouie call Di Giacomo approximately fifteen minutes later from a quieter location, and, based on the sounds heard during the call, Di Giacomo believes it was recorded by Oskouie. (Di Giacomo Decl. ¶ 14.) During Di Giacomo’s second call with Oskouie, Roffe emailed Di Giacomo and Plaintiff’s undersigned counsel stating that Oskouie “will be happy to fly you and Mr. Duff to Iran to negotiate a settlement with you.” (Di Giacomo Decl. ¶ 15, Ex. A.) Immediately after Di Giacomo’s second call with Oskouie, Di Giacomo and Plaintiff’s

undersigned counsel called Roffe to notify him that Oskouie had insisted on speaking with Di Giacomo. (Di Giacomo Decl. ¶ 16.) During this call with Roffe, Di Giacomo's legal assistant notified him in an online instant message that Oskouie had called again but was refusing to leave a voicemail. (Di Giacomo Decl. ¶ 17.) Oskouie insisted that Di Giacomo's legal assistant tell him to "please read the counter complaint in relation to hacking and pacer from items 101 to present." (Di Giacomo Decl. ¶ 17.)

The thrust of Oskouie's argument during his calls with Di Giacomo was that Brandon Maddox hired persons to post anonymous comments on various websites asserting that Plaintiff's undersigned counsel is a child molester. (Di Giacomo Decl. ¶ 18.) Oskouie told Di Giacomo that if he investigated Brandon Maddox's UpWork account, he would find evidence showing that Brandon was responsible for the libelous posts described above. (Di Giacomo Decl. ¶ 19.) Oskouie did not explain how he knew that Brandon was responsible for the posts at issue, but he claimed to have evidence proving his claim. (Di Giacomo Decl. ¶ 20.) As of this filing, Oskouie has not shared this evidence with Di Giacomo. (Di Giacomo Decl. ¶ 20.) During Di Giacomo's discussion with Defendant Oskouie, Defendant Oskouie told Di Giacomo that Plaintiff's undersigned counsel is inexperienced and that Di Giacomo should manage him more closely. (Di Giacomo Decl. ¶ 10.) Four days before Defendant Oskouie called Di Giacomo, a new post on <ripoffreport.com> also argued that Plaintiff's undersigned counsel is inexperienced. (Duff Third Decl. ¶ 36, Ex. K.)

Despite the lack of evidence supporting Defendant Oskouie's accusation that Brandon Maddox is harassing his own attorneys, Di Giacomo asked Brandon Maddox to provide access to his UpWork account and conducted a nearly immediate and thorough inspection of the account. (Di Giacomo Decl. ¶¶ 21-23.) Di Giacomo found no evidence suggesting that Brandon hired

anyone to post negative comments about anyone facing online harassment as described above. (Di Giacomo Decl. ¶ 23.) As of the date of this filing, Oskouie has not provided any evidence to support any of the allegations he made during his phone calls with Di Giacomo. (Di Giacomo Decl. ¶ 24.) Aside from making unfounded allegations that defy common sense, Oskouie used his two phone calls with Di Giacomo to threaten both him and the undersigned counsel by pointedly revealing “a disturbing level of knowledge about both” Di Giacomo and Plaintiff’s undersigned counsel. (Di Giacomo Decl. ¶ 25.) For example, Oskouie unnecessarily told Di Giacomo that he knew his birth date and Plaintiff’s undersigned counsel’s birth date. (Di Giacomo Decl. ¶ 26.) Di Giacomo understood Oskouie’s statement as an explicit threat. (Di Giacomo Decl. ¶ 27.) After speaking to Oskouie for roughly one hour, Di Giacomo is convinced that Oskouie plans to retaliate against him personally for submitting the declaration referenced herein. (Di Giacomo Decl. ¶ 28.)

F. Harassment of Unrelated Third Parties

On February 28, 2018, a report stating that Defendant Oskouie had received a “police caution” in London last year for “malicious communication” with five victims was publicly available online. (Duff Third Decl. ¶ 37, Ex. L.) Plaintiff’s undersigned counsel called the company that issued the report to verify its authenticity. (Duff Third Decl. ¶ 37.) When the owner of the company that generated the report told Plaintiff’s undersigned counsel that the document appeared to be genuine but should not be public, Plaintiff’s undersigned counsel notified him of where the document appeared so that his company could remove the document from public search results. (Duff Third Decl. ¶ 37.) At the very least, the document describing Defendant Oskouie’s run-in with police in London for the offence of “malicious communication” suggests that he has harassed at least five persons using digital communications in the recent

past. The document stated that Defendant Oskouie was “re-interviewed” after evidence was gathered from a fifth victim interview and after police reviewed “evidence downloaded from [Oskouie’s] phone.” (Duff Third Decl. ¶ 37.) The use of the term “re-interviewed” implies that Defendant Oskouie had already be interviewed by the police. The type of evidence obtained by the police from Defendant Oskouie’s phone is exactly the type of evidence Plaintiff has requested through discovery but which Defendant Oskouie has yet to provide.

ANALYSIS

A. Defendant Oskouie’s Harassment Alone Justifies Severe Sanctions

“Courts of justice are universally acknowledged to be vested, by their very creation, with power to impose silence, respect, and decorum, in their presence, and submission to their lawful mandates.” *Azkour v. Maucort & Little Rest Twelve, Inc.*, No. 11-CV-5780 (RJS), 2018 WL 502674, at *7 (S.D.N.Y. Jan. 18, 2018) (citing *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991)). “The power to punish for contempts is inherent in all courts.” *Ex parte Robinson*, 9 Wall 505, 510 (1874). This authority is “essential to the preservation of order in judicial proceedings . . .” *Id.* This Court’s sanctioning power includes the ability “to levy sanctions in response to abusive litigation practices.” *Azkour*, 2018 WL 502674, at *7 (quoting *Link v. Wabash R. Co.*, 370 U.S. 626, 632 (1962)). This authority is not limited by or dependent upon any rule or statute. *Id.* (citing *Chambers*, 501 U.S. at 49) (citation omitted). Courts require flexibility in their power to impose sanctions so that they may “fashion an appropriate sanction for conduct which abuses the judicial process.” *Id.* (quoting *Chambers*, 501 U.S. at 43-44). The Second Circuit suggests that “egregious disrespect for the Court or judicial process,” *Ransmeier v. Mariani*, 718 F.3d 64, 68 (2d Cir. 2013), justifies the imposition of sanctions, as does “harassment,” *DLC Mgmt. Corp. v. Town of Hyde Park*, 163 F.3d 124, 136 (2d Cir. 1998) (citation omitted). “The Court is not required to shield its eyes from prior conduct when fashioning an appropriate sanction.” *Azkour*,

2018 WL 502674, at *9 (citation omitted). The type of harassment described above is typically found, if at all, in cases involving *pro se* litigants.

In *Azkour*, the Southern District of New York discussed its inherent ability to sanction a litigant who “repeatedly attacked and taunted defense counsel, asserting that he ‘has never acted in good faith while prosecuting th[is] . . . action . . .’ is ‘a person of bad moral character,’ and ‘is not fit to appear before this Court or practice in any jurisdiction.’” 2018 WL 502674, at *10. The “harassing communications” considered by the court included letters and emails containing statements such as: “You must have peanuts in your skull, instead of a brain . . . You’re a retarded species. I have never seen your like in any continent.” *Id.* at 1. The party also “baselessly accused defense counsel of engaging in discriminatory acts in language that was both incoherent and disturbing.” *Id.* at 10. “Moreover, [the litigant’s] submissions contained implicit threats that [the litigant] intended to disclose unspecified harmful information about defense counsel.” *Id.* The litigant in *Azkour* avoided sanctions only because the court gave deference to the Second Circuit’s mandate to afford “special solicitude” to *pro se* litigants. *Id.* at 11.

In cases involving slightly more aggressive harassment, even a litigant’s *pro se* status did not prevent Magistrate Judge Lisa M. Smith from recommending that her claims be dismissed with prejudice. *Sunegova v. Vill. of Rye Brook*, No. 09 CIV. 4956 KMK LMS, 2011 WL 6602831, at *9 (S.D.N.Y. Apr. 28, 2011), *report and recommendation adopted in part*, No. 09-CV-4956 KMK, 2011 WL 6640424 (S.D.N.Y. Dec. 22, 2011). In *Sunegova*, the court considered an email from a *pro se* plaintiff to counsel for the defendants that read:

I took the bullet and I wrote [counsel’s name] on it.
I never shoot to kill
I only shoot to win
I line up all the lawyers and watch them fall
like 3 musketeers in one
La la la la lal la la la

it is a new generation of fighters
[counsel's name], I do it better
[counsel's name] my lower cut is better than [sic] yours
My brain is the killer I be the winner

2011 WL 6602831, at *5. The court plainly stated that “[e]ven if I were not recommending dismissal for the Plaintiffs failure to cooperate with discovery, I would recommend dismissal for her lack of civility, which has escalated to threats that include murder, albeit in poetic form.” *Id.* The court reiterated that “the additional proof that Plaintiff has persistently and continually engaged in inappropriate communications with counsel and the Court in this action, set forth herein and in the previous Orders, provides more than adequate support for an order of dismissal with prejudice.” *Id.* at 9.

In this case, Defendant Oskouie has gone far beyond the inappropriate communications considered by the courts in *Azkour* and *Sunegoya*. The “harassing communications” in *Azkour* are quaint next to the multiple public postings asserting that Plaintiff’s undersigned counsel and *his mother* rape children together. Furthermore, by including contact information and addresses for the individuals being so defamed, Defendant Oskouie has done more than threaten each individual, he has created a terrifyingly real risk that a third party viewing one of the posts at issue will violently accost the individuals who have upset Defendant Oskouie by doing nothing more than shining a light on Oskouie’s own actions. Indeed, Plaintiff’s undersigned counsel has already received menacing messages referencing the allegations of child abuse from complete strangers. More recently, Defendant Oskouie directly threatened Plaintiff’s counsel during an hour long phone call in which he went out of his way to let Di Giacomo know that he knew non-public information about Di Giacomo and Plaintiff’s undersigned counsel.

Not content with endangering Plaintiff’s counsel and a reporter who did nothing but her job in writing about the above-captioned lawsuit, Defendant Oskouie has also attacked the family

members of both Plaintiff's undersigned counsel and the reporter. In addition to placing several parties at risk of violent attack, Defendant Oskouie has proactively identified and called at least one new client represented by Plaintiff's counsel to belligerently tell the customer service representative who answered the phone that his company's new attorney is a pedophile. Defendant Oskouie also wasted the resources of the NYPD's Special Victims Division by submitting a fraudulent complaint that compelled two detectives to spend a Friday evening making a house-call on Plaintiff's undersigned counsel. Ironically, by diverting the resources of the Special Victims Division, Defendant Oskouie may have *actually endangered abused children*.

Defendant Oskouie is not proceeding *pro se*. He has gone out of his way to remind the Court that he was trained as an attorney. (Oskouie First Decl. ¶ 3, ECF No. 27; Oskouie Second Decl. ¶ 3, ECF No. 34.) Defendant Oskouie should be given no leeway. Absent severe sanctions, he will continue with his dangerous and reprehensible behavior.

B. Defendant Oskouie's Abusive Litigation Supports Severe Sanctions

BMaddox has outlined Defendant Oskouie's many frivolous filings and other abusive litigation tactics in its first motion for sanctions under Rule 11 of the Fed. R. Civ. P. (Pl.'s First Mot. Sanctions, ECF No. 55.) Most recently, the Court noted that "defendants do not dispute, or even directly address, any of the concerns raised by plaintiff regarding the authenticity of the doctor's note" Defendant Oskouie submitted to the Court in support of his request for a six-month stay of the proceedings claiming that he had been diagnosed with Stage B Leukemia. (Order Denying Mot. Stay 11, ECF No. 110.) As the Court noted, "Defendants do not dispute that Dr. Nasab's telephone number does not connect to a medical office, but rather to an elevator repair company. Defendants do not contest that Dr. Nasab's address is illegitimate." (Order

Denying Mot. Stay 11, ECF No. 110.) Neither do defendants “explain why Oskouie is receiving medical treatment in Iran, as opposed to his country of residence, the United Kingdom, or his country of origin, Australia.” (Order Denying Mot. Stay 13, ECF No. 110.) These and other unaddressed issues casting “serious doubt as to the authenticity of the doctor’s note” upon which Defendant Oskouie relied to needlessly prolong this litigation. BMaddox’s pending motion for sanctions under Rule 11 has had no effect on Defendant Oskouie’s willingness to place meritless arguments and frivolous filings before the Court.

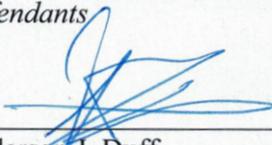
CONCLUSION

In view of Defendant Oskouie’s cavalier attitude toward child abuse, the authority of this Court, and BMaddox’s rights, the Court should exercise its broad discretion in crafting sanctions to deter future bad acts. Since both the Court and BMaddox have been forced to expend significant resources to consider Defendants’ many frivolous filings and arguments, BMaddox asks that it be awarded attorneys’ fees and costs. In addition, since Defendant Oskouie has demonstrated that he would rather fight this case outside of the judicial system through a campaign of toxic harassment than by litigating on the merits, BMaddox asks that the Court grant its pending motion to dismiss Defendants’ sixteen counterclaims with prejudice. As argued in BMaddox’s pending motion to dismiss, Defendants’ counterclaims should be dismissed on their merits, but the Court may also properly dismiss Defendants’ counterclaims to sanction Defendant Oskouie for his egregious behavior, which has directly impacted Plaintiff’s ability to move this case forward. To deter future litigants from similar bad acts, Plaintiff further requests that punitive sanctions be imposed upon Defendants. Finally, Plaintiff requests any such action as the Court sees fit to curb Defendants’ bad actions described above.

Dated: New York, New York
March 13, 2018

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