



## DECLARATION OF JOHN DI GIACOMO

I, John Di Giacomo, state as follows:

1. I am an attorney admitted to practice law in the states of Michigan and Illinois.
2. I am also lead counsel in the case *Duff et al. v. Milad Oskouie*, 13<sup>th</sup> Circuit Court, Grand Traverse County, Michigan, Case No. 17-32312-CZ, which sought to hold Oskouie liable for defamation per se, false light invasion of privacy, and civil conspiracy.
3. On March 5, 2018, the 13<sup>th</sup> Circuit Court issued a judgment finding Oskouie liable for defamation per se, false light invasion of privacy, and civil conspiracy, and awarding Plaintiffs \$398,000 in damages for these claims.
4. On March 6, 2018, I contacted Oskouie's counsel in this case, Mr. Roffe, in an attempt to settle the above-mentioned case against Mr. Oskouie short of executing the judgment issued by the 13<sup>th</sup> Circuit Court.
5. On March 7, 2018 starting at roughly 2:04 p.m. ET, I received five phone calls from Oskouie from phone numbers listed as "Anonymous."
6. I answered two of these calls and these phone calls lasted roughly one hour in total.
7. When calling my office, Oskouie represented to my legal assistant that his name was "James." My assistant wanted to file a declaration describing her interaction with this person, but I cannot in good conscience allow her name to be included in

this action for fear that she will face the same harassment others touching this case have.

8. After discovering that the caller was Oskouie, I immediately told Oskouie that I could not speak to him without his attorney present. Oskouie, however, insisted on speaking with me.
9. Mr. Oskouie spoke with a clear British accent.
10. During the first of these phone calls, Oskouie conveyed to me that he “would not be threatened” and stated that our firm would never be able to have a judgment executed against him in the Islamic Republic of Iran. He further stated that my colleague, Anderson J. Duff, was inexperienced and should be better managed.
11. Oskouie then told me that he would arrange for first class tickets for Mr. Duff and myself to fly to Iran to “settle this in person.”
12. During the first of these calls, Oskouie was calling from a public place and I clearly heard only English speakers in the background.
13. After several minutes, Oskouie asked whether he could call me back in “15 minutes,” and I agreed.
14. Oskouie called again approximately 15 minutes later from a quieter location. Based on sounds that I heard during this call, I believe it to have been recorded.
15. During my second phone call with Oskouie, Oskouie’s attorney in the above-captioned matter, Saul Roffe, emailed me stating that “he will be happy to fly you and Mr. Duff to Iran to negotiate a settlement with you. He may even agree to more favorable terms.” A true and correct copy of this email is attached as **Exhibit A.**

16. Immediately after the conclusion of the second phone call from Oskouie, my colleague, Anderson Duff, and I called Oskouie's attorney in the above-captioned matter, Roffe, to notify him of the calls. During our call with Roffe, Oskouie again attempted to call me.
17. When Oskouie called while I was on the phone with Mr. Roffe, my assistant told me through an online message while she was speaking with Oskouie that Oskouie refused to leave a voicemail but insisted that she relay the following message to me: "please read the counter complaint in relation to hacking and pacer from items 101 to present."
18. During my two phone calls talking to Oskouie, Oskouie stated that our client, Brandon Maddox, had hired persons to post anonymous comments on various websites asserting that my colleague Anderson J. Duff is a child molester.
19. Oskouie stated that if I investigated Maddox's UpWork account, I would find evidence showing that Maddox had hired third parties to post such comments.
20. Oskouie did not explain how he claimed to know that Maddox was responsible for these comments posted online about the people involved in the above-captioned case. He claimed to have evidence proving Maddox was responsible, but he has not shared it with us.
21. Despite my belief that Oskouie is responsible for these posts and the substantial evidence supporting that belief, I represented to Oskouie that I would investigate his allegations.

22. After speaking with Roffe, I emailed Maddox at 3:24 p.m. ET and asked him for access to his UpWork account. Maddox responded within minutes by granting me access to his UpWork account.
23. I conducted a thorough inspection of Maddox's UpWork account and found no evidence suggesting that Maddox had hired anyone to post negative comments about me, Duff, Revision Legal, PLLC, or any of my other colleagues.
24. We have not received any evidence from Oskouie through any channels supporting the allegations he made during my two phone calls with him.
25. Based on facts obtained during my conversation with Oskouie, it is my opinion that Oskouie has attempted to uncover a disturbing level of knowledge about both me and Mr. Duff in an attempt to attack both of us and our law firm.
26. Specifically, Oskouie expressly conveyed to me that he knew the dates of birth of both Mr. Duff and myself.
27. Oskouie's level of knowledge about the personal lives of Mr. Duff and myself is both disturbing and, in my opinion, constitutes harassment and cyberstalking.
28. I believe that Oskouie will attempt to retaliate against me and my law firm for submitting this declaration and I fear that, based on his past conduct, he will likely be successful in causing irreparable reputational harm to me, Mr. Duff, and our law firm.
29. I ask that the Court treat this matter with the utmost seriousness and immediately issue an order for Oskouie to show cause why he should not be held in contempt of court.

30. If such an order is issued, I can make myself available in New York to testify to the above facts in person.

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

Date: Traverse City, Michigan  
March 13, 2017

By:   
John Di Giacomo