



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

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September 7, 2018

VIA ECF ONLY

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

RE: August 30, 2018 Order Concerning Defendants' Legal Representation
BMaddox Enterprises LLC v. Milad Oskouie, et al., 17-cv-1889-RA-HBP

Dear Judge Abrams:

In accordance with your August 30, 2018 Order, ECF No. 169, Plaintiff has attempted to serve a copy of the same on Defendants. Defendant Oskouie no longer resides at the address Plaintiff has on record, and Defendants' refusal to participate in the discovery process (Pl.'s Suppl. Mem. Supp. Third Mot. Sanctions, ECF No. 153) has concealed the location of Defendant Oskouie's new residence. In part because of information gleaned from Defendant Oskouie's continued abusive phone calls to the employees and attorneys at the above-captioned law firm, Plaintiff believes Defendant Oskouie is intentionally obfuscating his current location. (DiGiacomo Decl. ¶¶ 10-12, ECF No. 114.)

There is "no rigid formula as to the kind of notice that must be given [of a pending action]; notice required will vary with circumstances and conditions." *Orix Fin. Serv. v. Phipps*, No. 91 Cv. 2523(RPP), 2009 WL 30263, *9 (S.D.N.Y. Jan. 6, 2009) (quoting *Baker v. Latham Sparrowbush*, 72 F.3d 246, 254 (2d Cir. 1995)). Notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Orix Fin. Serv.*, 2009 WL 30263 at *9 (quoting *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)).

In accordance with the guiding principles described above, Plaintiff attempted personal service on Defendant Oskouie at Flat 55, Quayside House, 302 Kensal Road, London W10 5BL, but the process server was told that Defendant Oskouie had moved out. (Ex. A.) Because Defendant Oskouie previously filed a DMCA counter-notification on behalf of Defendant Platinum Avenue Holdings Pty Ltd reciting an address of 8 Ward St. Willoughby, Sydney NSW 2068, ECF No. 24, 7, Plaintiff also mailed a copy of the

Court's August 30, 2018 Order to that address. (Ex. B.) Plaintiff further emailed a copy of the Order to several email addresses connected to the Defendants, namely: info@ffltrust.com; trustffl@gmail.com; miladosk@hotmail.com; and ffltrustpayments@gmail.com. (Ex. C.) Only one of these email addresses bounced Plaintiff's email.

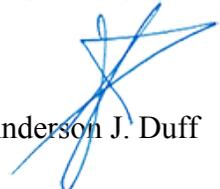
As of the date of this letter, Defendants' infringing website at *ffltrust.com* lists info@ffltrust.com as Defendants' contact information. The other email addresses shown in Exhibit B were gathered over time by Plaintiff through third-party discovery and Plaintiff's own investigation. Defendants' former counsel has had no contact with Defendant Oskouie since at least as early as May 11, 2018. (Roffe Letter, ECF No. 168.) In a June 27, 2018 email, Defendants' former counsel stated that he "I am no longer in contact with my client. [And] cannot reach him to obtain his permission." (Ex. D.) Although Defendants' former counsel moved to withdraw on May 11, 2018, ECF No. 149, he continued to file documents on behalf of Defendants, ECF No. 155, and the Court did not grant his motion to withdraw until August 30, 2018. (ECF No. 169.)

As described above, the notice required will vary according to the circumstances. In this case, even Defendants' attorney of record stated that he was unable to contact Defendant Oskouie. This Court previously held that service would be effective as to all named Defendants if completed by: (1) emailing .pdf documents to info@ffltrust.com; (2) mailing or attempting personal service at 55 Quayside House, 302 Kensal Road, London, W10 5BL, United Kingdom; and (3) mailing or attempting personal service at 8 Ward St. Willoughby Sydney NSW 2068. (Order 5, ECF No. 15.) Shortly thereafter this Court deemed service effective as to all named Defendants if completed by: (1) emailing .pdf documents to info@ffltrust.com, trustffl@gmail.com, miladosk@hotmail.com, ffltrustpayments@gmail.com; and (2) mailing or attempting personal service at the London address shown above. (Order 2, ECF No. 18.) Plaintiff has attempted service of the Court's August 30, 2018 Order using all of the contact information recited in the two Orders cited above.

Finally, Defendant Oskouie's fixation on Plaintiff's undersigned counsel has provided additional contact information. The pattern of harassment described in Plaintiff's Memorandum in Support of its Second Motion for Sanctions, ECF No. 113, has intensified since the withdrawal of Defendants' former counsel. On September 5, 2018, the mother of Plaintiff's undersigned counsel learned that her co-workers had received a variety of defamatory emails attempting to put her job in jeopardy. Two representative emails are attached as Exhibit E. For many reasons, including the timing, the idiosyncratic misrepresentation of facts, the follow-up phone calls to her employer that track the style of Defendant Oskouie's threatening calls to Plaintiff's attorneys, and the similarities between these emails and several other campaigns of harassment that have touched nearly every third party involved in the above-captioned case, it is unlikely that these abusive emails were sent by anyone other than Defendant Oskouie. Reviewing the emails provided Plaintiff with two previously unknown email addresses, which were also sent copies of the Court's August 30, 2018 Order. (Ex. F.) Only one of these two emails was returned as undeliverable.

Given the circumstances, Plaintiff respectfully submits that its efforts to serve Defendants were reasonably calculated to provide Defendants with notice and an opportunity to respond to the Court's August 30, 2018 Order.

Respectfully submitted,


Anderson J. Duff

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Encls.