



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

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October 24, 2018

**VIA ECF**

United States Magistrate Judge Pitman  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

**RE:** Plaintiff's Request for Stay Pending Outcome of Dispositive Motions  
*BMaddox Enterprises LLC v. Milad Oskouie, et al., 17-cv-1889-RA-HBP*

Dear Magistrate Judge Pitman:

In part because Plaintiff's pending motions may be dispositive, Plaintiff hereby requests a stay of the above-captioned proceedings until the Court has ruled on the same. After Defendants' counsel moved to withdraw, the Court issued an Order on August 30, 2018 requesting that Defendants notify the Court whether they intended to proceed *pro se* or obtain new counsel on or before October 5, 2018. (Dkt. No. 169.) Defendants did not respond to the Court's Order.

As an initial matter, Defendants Osko M. Ltd. and Platinum Avenue Holdings Pty., Ltd. should may not proceed *pro se*. *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201-02 (1993) ("It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel."); *Batra v. State Bank of India*, 15 Civ. 2678 (LGS), 2016 WL 3029957, \*2 (S.D.N.Y. May 25, 2016) ("[A] corporation cannot proceed *pro se*.") Defendants' failure to respond to the Court's August 30, 2018 Order shows that they are no longer upholding even the pretense of participating in this lawsuit.

Plaintiff BMaddox Enterprises LLC ("BMaddox") and Counter-Defendants BMaddox and Brandon Maddox ("Brandon") have potentially dispositive motions before the Court. Most recently, BMaddox and Brandon filed a third motion for sanctions. (Pl. Countercl. Defs.' Mot. Sanctions, ECF No. 137.) After a May 2, 2018 hearing to discuss Defendants' failure to participate in discovery, the Court authorized BMaddox and Brandon to file a supplemental briefing. (May 3, 2018 Order, ECF No. 148.) BMaddox and Brandon submitted such supplemental briefing that, in part, argue that judgment in

their favor is warranted as a sanction for Defendants' actions. (Pl. Countercl. Defs.' Suppl. Mem. Supp. Mot. Sanctions 17-18; ECF No. 153.) Also pending is a motion to dismiss Counterclaim Plaintiffs' sixteen counterclaims. (Countercl. Defs.' Mot. Dismiss, ECF No. 67.) A decision on either of these motions could significantly narrow or resolve all of the claims and counterclaims in this proceeding.

While BMaddox and Brandon previously objected to Defendants' attempts to stay proceedings, those objections were made with the understanding that Defendants would respond to Plaintiff's discovery requests and otherwise continue participating in this case. The Court denied Defendants' most recent renewed motion for a stay, which Defendants supported with falsified doctor's reports purporting to show that Defendant Oskouie was being treated for cancer. The Court stated that "[t]he reasons proffered for the request are not credible." (March 28, 2018 Order 1, ECF No. 127.) As described in BMaddox and Brandon's Supplemental Memorandum in Support of their third motion for sanctions, Defendants have failed to meaningfully participate in the discovery process. Defendants' failure to participate in this lawsuit hamstringing BMaddox and Brandon in their attempts to resolve the claims and counterclaims at issue.

BMaddox and Brandon are prepared to submit a fully briefed motion for summary judgment, but their ability to do so has been curtailed by Defendants' failure to participate in the discovery process and, most recently, the lawsuit generally. The motions currently pending before the Court may narrow the scope of or make redundant Plaintiff's contemplated motion for summary judgment. For the foregoing reasons, BMaddox and Brandon respectfully ask that the proceedings be stayed until the Court rules on their two potentially dispositive motions as described above.

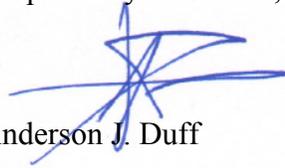
Alternatively, BMaddox and Brandon request that the Court extend the deadline for dispositive motions to **Monday, December 31, 2018**. Before the Court's August 30, 2018 Order concerning Defendants' representation, ECF No. 169, Plaintiff had requested a two-month extension that would have set the deadline for dispositive motions to **Friday, November 2, 2018** and the deadline for the Pretrial Order would to **Friday, November 30, 2018**. (Pl.'s Letter Mot., ECF No. 167.) In view of the Court's August 30, 2018 Order, the Court denied Plaintiff's previous motion for an extension "without prejudice to renewal after the expiration of the stay ordered by Judge Abrams." (August 31, 2018 Order, ECF No. 170.)

This is Plaintiff's first request for a stay of these proceedings and Plaintiff's fourth request for an extension. Plaintiff's first and second requests were granted by the Court. It is unclear whether Defendants would consent to Plaintiff's request for a stay or, in the alternative, an extension because Defendants are no longer represented by counsel and did not respond to the Court's August 30, 2018 Order. The original deadline for dispositive motions was April 30, 2018. (Scheduling Order 5, ECF No. 66.) The Court amended this deadline with two revised scheduling orders on April 25, 2018 and June 28, 2018. (ECF No. 146; ECF No. 165.)

Because Plaintiff's requested stay would affect the current deadline for the Pretrial Order, a Proposed Order to Stay Proceedings is attached. (Ex. A.) If the Court

finds that a stay is not appropriate, a Proposed Revised Scheduling Order is attached. (Ex. B.)

Respectfully submitted,



Anderson J. Duff

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Encls.

