

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

BMADDOX ENTERPRISES LLC,

Plaintiff,

v.

MILAD OSKOUIE, OSKO M LTD, and
PLATINUM AVENUE HOLDINGS PTY, LTD,

Defendants.

No. 17-cv-1889 (RA

JOINT LETTER

MILAD OSKOUIE and PLATINUM
AVENUE HOLDINGS PTY., LTD.,

Counterclaimants,

v.

.

BMADDOX ENTERPRISES LLC and
BRANDON MADDOX,

Counterdefendants.

Dear Judge Abrams:

Plaintiff and Counterdefendant, BMaddox Enterprises LLC along with Counterdefendant Brandon Maddox (“Maddox”) and Defendants Milad Oskouie, Osko M Ltd, and Platinum Avenue Holdings Pty, Ltd along with Counterclaimants Milad Oskouie and Platinum Avenue Holdings Pty, Ltd (“Oskouie”), by and through their respective counsel of record, hereby submit this joint letter as requested by the Court at the July 28, 2017 hearing in the above-captioned matter. The parties agree with the Court’s suggestion to combine the upcoming preliminary

injunction hearing with a trial on the merits, provided the parties have an appropriate opportunity for discovery. The parties are not, however, in agreement about the usefulness of mediation.

Maddox's Statement:

Maddox does not believe that mediation is appropriate in this matter, at least at this time, for the following reasons. First, the parties have engaged in informal settlement talks and Oskouie has repeatedly stated he is not willing to make any monetary payment to settle the outstanding claims. Maddox believes Oskouie's position is emboldened by his presence outside the United States. Second, Oskouie stated he may have trouble entering the United States. Mediation without Oskouie's presence would frustrate one of the main purpose of mediation, in-person discussion of the claims. Third, Oskouie has forced Maddox to expend significant resources defending a meritless Preliminary Injunction motion and sixteen-count counterclaim. Maddox believes mediation without Oskouie's presence and in view of his repeated statements that he will not entertain a settlement that involves any monetary component would only forestall an inevitable decision on the merits of this case.

Maddox is open to an expedited trial on Plaintiff's claims, which are at issue in the upcoming preliminary injunction hearing. If any of Oskouie's counterclaims would also be subject to an expedited trial on the merits, Maddox believes it would be appropriate to first rule on Maddox's anticipated motion to dismiss, which could significantly narrow the scope of remaining claims.

Oskouie's Statement:

Oskouie believes that mediation would be helpful. The parties have engaged in informal settlement discussions and Oskouie has indicated that many of Maddox's proposed settlement points are amenable to him. We believe that Maddox's claims, as a whole, are grounded in

injunctive relief, and Oskouie is unwilling to present a counteroffer that includes a monetary payment. Given the outrageousness of Maddox's alleged acts, including hacking into Oskouie's accounts, registering a domain name that precisely tracks Milad Oskouie's name and publishing defamatory content on it, sending harassing letters to Mr. Oskouie's relatives, and filing false reports with law enforcement, Oskouie believes that the value of his counterclaims will offset or likely outweigh the value of Maddox's claims. However, we think that a settlement conference before the magistrate judge would assist both parties to understand the potential value of their claims and the risks of litigation

As to the settlement conference itself, Mr. Oskouie is an Iranian national born in Iran, and we recognize that his ability to travel into the United States may be an open issue, despite the fact that he carries an Australian passport. We are open to any suggestion from Maddox or the Court to facilitate Mr. Oskouie's participation in a settlement conference.

At this time, the parties have not held a 26(f) conference, no discovery has been taken between the parties, and Oskouie has not had any opportunity to engage in third-party discovery—which Maddox has already had several months to obtain. We therefore do not believe an expedited trial would be appropriate for Maddox's claims.

Date: August 4, 2017

REVISION LEGAL, PLLC
Attorneys for Plaintiff/Counterdefendants

LEWIS & LIN LLC
Attorneys for Defendants/Counterclaimants

By: /s/Anderson J. Duff
Anderson J. Duff (AD 2029)
244 5th Ave. Ste. 2230
New York, New York 10001
(T) (212) 996-4103
Anderson@revisionlegal.com

By: /s/ David D. Lin
David D. Lin
45 Main Street, Ste. 608
Brooklyn, New York 11201
(T) (347) 414-8553
David@ilawco.com