

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

BMADDOX ENTERPRISES LLC,

Plaintiff,

v.

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

Defendants.

MILAD OSKOUIE and PLATINUM AVENUE
HOLDINGS PTY, LTD,

Counterclaimants,

v.

BMADDOX ENTERPRISES LLC and
BRANDON MADDOX,

Counterclaim Defendants.

Case No. 17-cv-1889-RA-HBP

**PLAINTIFF AND COUNTERCLAIM DEFENDANTS' MOTION FOR
SANCTIONS AGAINST DEFENDANTS AND COUNTERCLAIMANTS
PURSUANT TO FED. R. CIV. P. 11**

PLEASE TAKE NOTICE THAT the undersigned attorneys for Plaintiff BMaddox Enterprises LLC ("BMaddox") and Counterclaim Defendants BMaddox and Brandon Maddox (together "Counterclaim Defendants") will move before the Honorable Ronnie Abrams, United States District Court Judge for the Southern District of New York, at 40 Foley Square, New

York, New York for: (a) an Order granting Plaintiff and Counterclaim Defendants' Motion for Sanctions Against Defendants and Counterclaimants Pursuant to Fed. R. Civ. P. 11 (the "Motion"); (b) dismissal of the Counterclaims asserted by Counterclaimants with prejudice; and (c) such other relief as this Court may deem just and proper.

This Motion will be supported by an accompanying, detailed memorandum of law, accompanying exhibits, the current record, and such additional documentary evidence or declarations as may be received prior to a hearing on this Motion.

This Motion is necessary because the sixteen counterclaims asserted by Counterclaimants are not warranted by existing law, present frivolous arguments, are supported by knowing and willful factual misrepresentations to the Court, and were filed to harass Counterclaim Defendants. As the memorandum in support of this Motion will describe in no uncertain terms, Defendants, Counterclaimants, and their counsel have repeatedly violated the duties imposed on them by Fed. R. Civ. P. 11(b). Generally, the following facts demonstrate these repeated violations:

1. The counterclaims fail to state a single claim upon which relief can be granted.
2. Each of Defendants' and Counterclaimants' substantive filings have included many significant, material, knowing, willful, and malicious misrepresentations of factual issues. These misrepresentations were not supported by any evidence and were directly contradicted by a plethora of evidence *already of record* and additional evidence submitted as a direct response to such misrepresentations.
3. Each of Defendants' and Counterclaimants' substantive filings have included many significant, material, knowing, willful, and malicious misrepresentations of factual issues. These misrepresentations were not supported by any evidence and were directly contradicted by a plethora of evidence that has been obtained by Plaintiff through third-party discovery and shared with opposing counsel. All such evidence obtained from third parties has been within Defendants' and Counterclaimants' possession, custody, or control since well before Plaintiff

obtained it at great expense.

4. The counterclaims asserted fail to state any claim upon which relief can be granted because they are based on deliberate misrepresentation of facts that cannot be supported by the evidence of record.
5. The counterclaims asserted fail to state any claim upon which relief can be granted because they are based on frivolous arguments with no chance of success and there are no reasonable arguments that can be advanced to extend, modify, or reverse the laws as they stand.
6. Defendants and Counterclaimants filed a meritless, frivolous motion requesting a temporary restraining order based on objectively unreasonable interpretations of the relevant laws, using arguments with no chance of success, and there was no reasonable argument that can be advanced to extend, modify, or reverse those laws as they stand. This motion was accompanied by a declaration signed by counsel for Defendants and Counterclaimants that misconstrued a good faith settlement offer and presented a small portion of that offer in a manner that was objectively unreasonable.
7. Defendants and Counterclaimants have lied in their pleadings and other filings to harass Plaintiff and Counterclaim Defendants. This harassment has caused and continues to cause significant waste of judicial resources and great expense to Plaintiff and Counterclaim Defendants.
8. At the time of each filing made by or on behalf of Defendants or Counterclaimants, a reasonable inquiry under the circumstances would have shown that each filing was factually without foundation, without evidentiary support, and was objectively unreasonable.

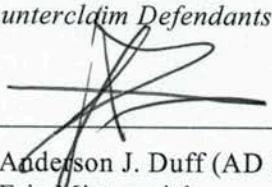
Counsel for Plaintiff and Counterclaim Defendants served this Motion on counsel for Defendants and Counterclaimants at least twenty-one (21) days prior to its filing in accordance with Fed. R. Civ. P. 11(c)(2) to promote judicial efficiency by allowing Defendants and Counterclaimants to significantly narrow the issues before this Court by amending their filings to comport with the evidence of record, information within their possession, custody, or control, and objectively reasonable interpretations of the law.

Dated: New York, New York
September 7, 2017

Respectfully submitted,

REVISION LEGAL, PLLC
*Attorneys for Plaintiff and
Counterclaim Defendants*

By: _____


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