

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BMADDOX ENTERPRISES LLC,)	
)	
Plaintiff,	)	Case No. 17-cv-1889-RA-HBP
)	
v.	)	SECOND UNCONSENTED LETTER
	)	MOTION REQUESTING
MILAD OSKOUIE, OSKO M LTD, and	)	EXTENSION OF TIME TO
PLATINUM AVENUE HOLDINGS PTY, LTD,	)	RESPOND TO COUNTERCLAIMS
)	
Defendants.	)	<u>Counterclaims Served</u> : July 25, 2017
)	
	)	<u>Original Due Date</u> : August 15, 2017
MILAD OSKOUIE and PLATINUM AVENUE)	
HOLDINGS PTY, LTD,	)	<u>Current Due Date</u> : September 14, 2017
)	
Counterclaimants,	)	<u>Request Due Date</u> : 20 Days From Any
	)	Ruling on Plaintiff's Motion for
v.	)	Sanctions Under Rule 11
)	
BMADDOX ENTERPRISES LLC and)	
BRANDON MADDOX,)	
)	
Counterdefendants.)	
)	
)	

Dear Judge Pitman:

Counterclaim Defendants BMaddox Enterprises LLC and Brandon Maddox (together “BMaddox”) submit this letter motion requesting an extension of the current deadline for their responses to the sixteen (16) counterclaims asserted by Counterclaim Plaintiffs over two hundred forty-eight (248) paragraphs. This is BMaddox’s second request for an extension of this deadline, which is currently Tuesday, September 14, 2017.

Counterclaimants did not consent to this extension for the following reasons as articulated in a September 7, 2017 email, namely: (1) “the counterclaims were served over a

month ago;” (2) one thirty-day extension was already granted; and (3) the TRO in place is a burden on the Counterclaim Plaintiffs and should not be extended any more than is necessary.

Counterclaim Plaintiffs’ concerns are without merit. BMaddox is eager to see a speedy resolution of this case. Counterclaim Plaintiffs are the cause of *every* delay in this case to date. First, they had an Australian attorney call both counsel for Plaintiff and the Court in the early morning hours of the day on which the first order to show cause hearing was scheduled. This inappropriate tactic required a rescheduling of the hearing.

Next, Counterclaim Plaintiffs delayed adjudication on the merits by filing a meritless motion for a TRO as well as sixteen (16) counterclaims described in two hundred forty-eight (248) paragraphs. Their TRO was premised on four of their sixteen counterclaims. Presumably, Counterclaim Plaintiffs thought those four counterclaims were their strongest. The Court had little trouble rejecting their request in its entirety. The remaining counterclaims are so frivolous that BMaddox should not bear the burden of filing a motion to dismiss that fully analyzes the several ludicrous allegations.

Counterclaimants need not guess at BMaddox’s position with respect to the counterclaims. At the July 28, 2017 hearing concerning Counterclaimants’ application for a TRO, counsel for BMaddox stated that BMaddox generally believes the counterclaims are meritless and based on demonstrably false misrepresentations of fact. As further stated during the July 28, 2017 hearing, BMaddox told Defendants it intended to file a motion under Rule 11 of the Fed. R. Civ. P. to encourage Counterclaimants to amend their current filings.

Rather than correct *any* of the factual misrepresentations Defendants have made under penalty of perjury or amend their counterclaims in a reasonable fashion, Defendants instead filed a motion to dissolve the TRO affirmed twice by the Court, which Defendants have known about

for more than three months. Defendants chose to file meritless motions that did nothing but prolong this case several times before moving to dissolve the Court's TRO. As has become a pattern in this case, BMaddox was again forced to respond to a motion that it believes is meritless instead of getting to the merits of the case.

Defendants' repeated motions have stalled a determination on the merits of this case. For Defendants to now complain that the delay they have caused is hurting them is beyond the pale. Defendants' actions have caused more damage to BMaddox, which posted a ten thousand dollar bond to have its day in court and wants nothing more than to get to the merits of this case. Instead, BMaddox has been forced to respond to multiple meritless motions *and* deal with a near constant onslaught of entirely false statements that Defendant Oskouie has made under penalty of perjury.

This Court should not have to waste judicial resources sifting through Oskouie's brazen lies, and BMaddox should not bear the burden of trying to flag them all. BMaddox notified opposing counsel of its intent to move for sanctions under Rule 11 if the record was not corrected. Defendants chose to let Oskouie's lies stand.

In refusing to consent to this requested extension, counsel for Defendants stated "I presume the arguments you have in response to the counterclaims would mirror the Rule 11 motion you just filed, so I don't really see any reason for additional time." On the contrary, the Rule 11 motion BMaddox felt forced to file spent much ink attempting to summarize Oskouie's outright lies. Without an extension of the page limitations, a full briefing on the frivolity of Counterclaim Plaintiffs' sixteen counterclaims would be nearly impossible.

BMaddox is not asking for a delay in the case. It wants a fair chance to respond to the sixteen counterclaims, but only if the Court determines that Counterclaim Plaintiffs should not be

sanctioned for asserting them. Defendants claim they want to get to the merits of the case, but they have done nothing but prolong it and greatly broaden its scope. BMaddox's hope was that communicating its intent to seek sanctions under Rule 11 of the Fed. R. Civ. P. would narrow the scope of the case to something more reasonable. Defendants were not interested. If the Court finds some merit in BMaddox's motion for sanctions, BMaddox hopes to face a more reasonable set of responses from the Defendants.

For this reason, BMaddox respectfully requests that it be given twenty (20) days from the date on which the Court makes a determination on the pending motion for sanctions under Rule 11 to answer or otherwise respond to any remaining counterclaims.

Dated: September 12, 2017

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