

# 12 O'Clock Boyz Filmmakers File to Recuse Federal Judge in Copyright Case



BALTIMORE, MARYLAND, UNITED STATES, September 21, 2022 /EINPresswire.com/ -- In 2018, the creators of 12 O'Clock Boyz, Taje Monbo and Deafueh Monbo filed a [copyright and trademark infringement lawsuit](#)<sup>1</sup> against Lofy Nathan, Oscilloscope Laboratories, Sony Pictures Entertainment, Overbrook Entertainment, Will Smith, and others seeking damages and a declaratory judgment that the copyright registration to Nathan's 12 O'Clock Boys film is invalid because Nathan allegedly obtained the copyright registration by fraud.

The Monbos contend that "Nathan falsified his copyright application and fraudulently claimed that his 12 O'Clock Boys is an original work by not disclosing to the Copyright Office that his film included pre-existing footages and excerpts from the Monbos' copyrighted 12 O'Clock Boyz 2001 and 2003 films."

According to court documents, Nathan also applied for the copyright registration to his 2013 documentary naming his company, Red Gap, as the author of his film. However, Red Gap did not exist at the time Nathan filmed his 2013 documentary.



**For three years, Judge Brodie refused to issue our request to the Register of Copyrights in order to influence the case"** — Monbo

In 2019, the Monbos filed a motion requesting that the Court seek the advise of the Copyright Office on whether the Copyright Office would have rejected Nathan's copyright application if the Copyright Office knew that Nathan's film included pre-existing footages and excerpts from the Monbos' copyrighted 12 O'Clock Boyz 2001 and 2003 films.

"Without a legitimate copyright, it is clear that Nathan infringed on our copyrights. This is why we asked the Judge to issue the request to the Register of Copyrights," said Deafueh Monbo.

In the past, federal judges have issued a request to the Register of Copyrights regarding the validity of a copyright, most notably in the landmark case [Velazquez-Gonzalez v. Pina](#)<sup>2</sup>.

“For three years, Judge Brodie refused to issue our request to the Register of Copyrights in order to influence the case,” said Monbo.

Earlier this month, the Monbos filed a Petition for a Writ of Mandamus against Judge Margo K. Brodie in the higher court. The Petition for a Writ of Mandamus is seeking an order from the higher court to compel Judge Brodie to issue the mandatory request to the Register of Copyrights concerning Nathan’s copyright.

A [motion to recuse Judge Brodie](#)<sup>3</sup> from the case also appears on the court docket. No ruling has been made as of yet.

The case is Monbo et al. v. Nathan et al., U.S. District Court, Eastern District of New York, Case No. 1:18-CV-05930. The Petition is In Re: Deafueh Monbo, U.S. Court of Appeals for the Second Circuit, Petition No: 22-1957.

For more information, visit [www.12OClockBoyzNews.com](http://www.12OClockBoyzNews.com)

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<sup>1</sup> <https://www.prnewswire.com/news-releases/12-oclock-boyz-director-sues-lotfy-nathan-and-overbrook-entertainment-for-copyright-and-trademark-infringement-300767874.html>

<sup>2</sup> [https://img1.wsimg.com/blobby/go/c17facd4-4d63-471f-a80f-aa1ae427b5b1/downloads/2\\_Velazquez-Gonzalez%20v.%20Pina.pdf?ver=1663707304718](https://img1.wsimg.com/blobby/go/c17facd4-4d63-471f-a80f-aa1ae427b5b1/downloads/2_Velazquez-Gonzalez%20v.%20Pina.pdf?ver=1663707304718)

<sup>3</sup> [https://img1.wsimg.com/blobby/go/c17facd4-4d63-471f-a80f-aa1ae427b5b1/downloads/4\\_%20Motion%20to%20Recuse.pdf?ver=1663707304610](https://img1.wsimg.com/blobby/go/c17facd4-4d63-471f-a80f-aa1ae427b5b1/downloads/4_%20Motion%20to%20Recuse.pdf?ver=1663707304610)

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