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U.S. DISTRICT COURT E.D.N.Y.

★ OCT 29 2020 ★

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

TAJE MONBO, *et al.*

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Civil Action No.: CV-18-5930

Plaintiffs,

Assigned Judge: Margo K. Brodie

v.

Magistrate Judge: Steven L. Tiscione

LOTFY NATHAN, *et al.*

Defendants,

* * * * *

RECEIVED
OCT 29 2020
PRO SE OFFICE

**DECLARATION OF DEAFUEH MONBO IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO THE NON-GENUINE COPIES OF PLAINTIFFS' DVDs
SUBMITTED BY DEFENDANTS AS EXHIBIT "A" TO DOCKET NO. 119**

I, Deafueh Monbo, declare and state as follows:

1. I am the Plaintiff and Co-owner of the 12 O'Clock Boyz intellectual properties; and I have personal knowledge of the facts set forth herein. I make this Declaration, which is filed in support of Plaintiffs' Opposition to the non-genuine copies of Plaintiffs' 12 O'Clock Boyz DVDs submitted by Defendants as 'Exhibit A' to Docket No. 119. If called upon to do so, I could and would testify competently to the following facts set forth herein.

2. As co-owner of the 12 O'Clock Boyz intellectual properties, I act as the Brand Protection Executive for the 12 O'Clock Boyz Copyrights and Trademarks, including the Plaintiffs' 12 O'Clock Boyz films released in 2001 and 2003.

3. **In my capacity as Brand Protection Executive for the 12 O'Clock Boyz intellectual properties, I coordinate intellectual property matters and manage the 12 O'Clock Boyz anti-counterfeiting efforts in the United States. As a result, I am familiar with the manufacture, sale, and distribution of genuine 12 O'Clock Boyz films and products, and I am trained to identify the distinctions between genuine merchandise and counterfeit copies of the same.**

4. The DVDs submitted by Defendants as "Exhibit A" to Docket No.119 is **not** a genuine and true copy of Plaintiffs' 12 O'Clock Boyz films released in 2001 and 2003. They are counterfeit versions of Plaintiffs' 12 O'Clock Boyz films.

**Non-Geniune DVD versions of Plaintiffs' 12 O'Clock Boyz
films provided by Defendants as Exhibit A to Docket 119**

5. Prior to filing this Declaration, I conducted a review of the content submitted previously by the Defendants in USB format and now most recently submitted in DVDs format as "Exhibit A" to Docket No. 119, and determined that the DVDs submitted by Defendants on October 26, 2020 are non-geniune, counterfeit versions of Plaintiffs' 12 O'Clock Boyz films.

6. I also observed certain product and film characteristics which are not consistent with Plaintiffs' genuine 12 O'Clock Boyz films (2001 and 2003). Additionally, I personally know that my former lawyer, Luiz Oliveira, did not give any 12 O'Clock Boyz DVDs to the Defendants. In fact, former Plaintiffs' Counsel, Luiz Olivera was terminated on April 3, 2019 and immediately ceased representing Plaintiffs. *See Exhibit 1* for the Termination Notice

7. Further, in the Termination Notice to former Plaintiffs' Counsels, Luiz Olivera and Joseph J. Zito, they were asked to return the two physical 12 O'Clock Boyz DVDs along with the entire Client files back to Plaintiffs. *See Exhibit 1* for the Termination Notice

8. **In accordance with New York State Bar Association Committee on Professional Ethic, and the ABA Model Rule 1.16 and former counsels' ethical duty to turn over and surrender the physical 12 O'Clock Boyz DVDs and client files upon termination, former counsel returned Plaintiffs' physical 12 O'Clock Boyz DVDs back to the Plaintiffs.** *See Exhibit 2* for the 2019 email from former Plaintiffs' Counsel, Luiz Olivera

9. Specifically in the 2019 email to me (Deafueh Monbo), former Plaintiffs' Counsel, Luiz Oliveira writes as follows:

“The DVD was sent to you with all of your papers copies back in April, 2019 (see our email attached). It is inside the binder with all the papers copies that you received.

Thank you.
Best regards,
Luiz Felipe de Oliveira”

See **Exhibit 2** for the 2019 email from former Plaintiffs' Counsel, Luiz Olivera

10. In view of the foregoing, I can confirm that the copies of DVDs submitted by Defendants as "Exhibit A" to Docket No. 119 are non-genuine versions of Plaintiffs' 12 O'Clock Boyz films released in 2001 and 2003.

I declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.

Executed this 28th day of October 2020, in Baltimore, Maryland.

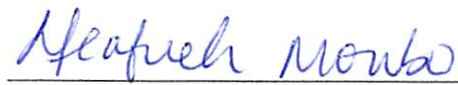

Deafueh Monbo

EXHIBIT 1

12 O'CLOCK BOYZ
The Official 12 O'Clock Boyz

~~Via Email and Certified Mail - Return Receipt Requested~~

April 3, 2019

Joseph J. Zito
DNL Zito Castellano
1250 Connecticut Avenue, NW
Suite 200
Washington, DC 20036

RE: Termination Notice
Case No.: CV-18-5930 and No.: CV-17-7458

Dear Joseph Zito:

We are writing to terminate our attorney-client relationship, effective immediately upon your receipt of this letter. We ask that you take no further actions on our behalf and immediately stop representing us.

As you know you tried to enter into agreements without our knowledge or authorization. As such, we must send this termination notice.

We will need to retrieve our entire file so we can assess our options going forward. We will contact to your office for this purpose, if you need more time, please contact us right away.

Please also return the two 12 O'Clock Boyz DVDs received solely for our case.

Sincerely,

s/ [Redacted Signature]

Deafueh Monbo

Date: April 3, 2019

s/ [Redacted Signature]

Taje Monbo

Date: April 3, 2019

All Rights Reserved

EXHIBIT 2



Dee Monbo <dmonbo@██████████>

Letter Monbo_July 2-2019 Re. DVD

Luiz Felipe Oliveira <loliveira@dnzito.com>

Wed, Jul 3, 2019 at 6:26 AM

To: dmonbo@██████████, ██████████@██████████

Cc: "Joseph J. Zito" <jzito@dnzito.com>

Dee,

We are in receipt of your letter dated June 27, 2019 (attached).

The DVD was sent to you with all of your papers copies back in April, 2019 (see our email attached). It is inside the binder with all the papers copies that you received.

Thank you.

Best regards,

Luiz Felipe de Oliveira

CERTIFICATE OF SERVICE

I hereby certify that a copy of this DECLARATION OF DEAFUEH MONBO IN SUPPORT OF PLAINTIFFS' OPPOSITION TO THE NON-GENUINE COPIES OF PLAINTIFFS' DVDs SUBMITTED BY DEFENDANTS AS EXHIBIT "A" TO DKT 119 was mailed October 28, 2020 to:

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Respectfully Submitted:


Deafueh Monbo

Dated: October 28, 2020