

**IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND**

DEAFUEH MONBO  
3608 Offutt Rd, Unit 234  
Randallstown, MD 21133

Plaintiff

v.

MARGO K. BRODIE (individually and  
in her official capacity);  
*Serve On:* U.S. Attorney General  
555 4<sup>th</sup> Street, NW  
Washington, DC 20530

Defendant

\* **Civil Action No:** C-03-CV-22-004790

\* **JURY TRIAL DEMANDED**

\* **COMPLAINT FOR:**  
\* **(1) Declaratory Relief**  
\* **(2) Injunctive Relief**  
\* **(3) Negligence Per Se**

\* \* \* \* \*

**COMPLAINT**

Plaintiff, Deafueh Monbo hereby files this Complaint against Defendant Margo K. Brodie arising from the Defendant’s negligence per se and failure to comply with 28 U.S.C. § 144 and allege and state to this honorable Court as follows:

**JURISDICTION AND VENUE**

1. Defendant is subject to personal jurisdiction pursuant to Maryland's long-arm.

**PARTIES**

**Plaintiff:**

2. Plaintiff DEAFUEH MONBO (“Deafueh” or “Plaintiff Monbo”) is co-owner and creator of the legendary 12 O’Clock Boyz films released in 2001 and 2003. Deafueh is also the co-owner of the 12 O’Clock Boyz copyrights, trademarks, and intellectual properties.

**Defendant:**

3. Defendant MARGO K. BRODIE is the assigned Judge in the Plaintiff’s pending copyright and trademark infringement case number CV-18-5930. On September 14, 2022, a Motion to Recuse Judge pursuant to 28 U.S.C. § 144 was filed against Defendant Margo K. Brodie

requesting that Defendant Margo K. Brodie recuses herself from Plaintiff's copyright case. Defendant Margo K. Brodie is sued in her official and individual capacity.

## **FACTUAL BACKGROUND**

4. In 2018, Plaintiff Deafueh and her co-copyright owner filed a copyright infringement lawsuit against Lotfy Nathan ("NATHAN"), his company, Red Gap, and their co-infringers.

5. In the copyright complaint, Plaintiff Monbo contends that "Lotfy 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 Plaintiff Monbo's copyrighted 12 O'Clock Boyz 2001 and 2003 films.

6. In 2019, pursuant to 17 U.S.C. § 411(B)(2), Plaintiff Monbo 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 Plaintiff Monbo's copyrighted 12 O'Clock Boyz 2001 and 2003 films.

7. Without a legitimate copyright, it is clear that Lofty Nathan and Red Gap infringed on Plaintiff Monbo's copyrights.

8. For three years, Defendant Margo K. Brodie violated her mandatory duty under 17 U.S.C. § 411(B)(2) and refused to issue Plaintiff Monbo's request to the Register of Copyrights in order to influence the copyright case.

9. Defendant Margo K. Brodie knew or should have known that justice delayed is indeed justice denied.

10. **On September 14, 2022**, pursuant to 28 U.S.C. § 144, Plaintiff Monbo moved the Court for Defendant Margo K. Brodie to recuse herself from Plaintiff Monbo’s copyright case.

11. Plaintiff Monbo fears that she (Monbo) will not receive fair proceedings in her pending copyright case because of Defendant Margo K. Brodie continuing demonstrable prejudice against Plaintiff Monbo.

12. 28 U.S.C. § 144 allows a party to seek disqualification of the assigned trial judge where the party feels he/she will not receive a fair proceeding because of a specifically described prejudice or bias of the judge. 28 U.S.C. § 144 provides that, upon receipt of a legally sufficient motion to disqualify, “the judge shall immediately enter an order granting disqualification and proceed **no further in the action.**”

13. The Supreme Court also addressed recusal in the 2009 case *Caperton v. A. T. Massey Coal Co.* (08-22). Even though the Supreme Court found that there was no evidence that the judge was biased, the Supreme Court still held that the judge had to recuse himself.

14. Despite Defendant Margo K. Brodie receiving the Motion to Recuse on September 14, 2022, Defendant Margo K. Brodie refused to recuse herself from Plaintiff Monbo’s pending copyright case.

15. Defendant Margo K. Brodie has refused to gracefully recuse herself from the copyright matter to preserve the appearance of justice.

16. As a direct and proximate result of the aforementioned actions of Defendant Margo K. Brodie, Plaintiff Monbo suffered damages and continues to be damaged.

**CAUSES OF ACTION**  
**Count 1 through Count 3**  
**Declaratory Relief, Injunctive Relief, and Negligence Per Se**

17. Plaintiff re-alleges and incorporates by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

18. 28 U.S.C. § 144 allows a party to seek disqualification of the assigned trial judge where the party feels he/she will not receive a fair proceeding because of a specifically described prejudice or bias of the judge. 28 U.S.C. § 144 provides that, upon receipt of a legally sufficient motion to disqualify, "the judge shall immediately enter an order granting disqualification and proceed **no further in the action.**"

19. As a result of Defendant Margo K. Brodie's dereliction of her duty, Plaintiff Monbo suffered damages and continues to be damaged.

20. Plaintiff repeats and re-alleges her claims for declaratory relief, injunctive relief, and the costs of litigation.

**JURY TRIAL DEMANDED**

Plaintiff respectfully demands a trial by jury on all issues properly triable by a jury in this action.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays this Court issues equitable relief as follows:

1. Issue injunctive relief commanding Defendant Margo K. Brodie to recuse herself.
2. Issue declaratory relief as this Court deems appropriate and just.
3. Issue a judgment that Defendant Margo K. Brodie is liable to Plaintiff under the legal theories set forth in Count 1 through Count 3.
4. Award Plaintiff her costs of litigation in the amount of \$10,000,000 or more, which will be proven at trial.

This the 28th Day of November 2022



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