

CASE NO. 20-1989

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

In Re: ERIC J. BLAIR, Debtor

ERIC J. BLAIR
Appellee - Debtor

v.

DEAFUEH MONBO
Appellant - Creditor

Appeal from the United States District Court For the District of Maryland
and the United States Bankruptcy Court For the District Of Maryland

District Court Appeal Case No: 1:19-CV-03565-CCB
Bankruptcy Case No: 19-11083
Adversary Case No. 19-00372

District Court Appeal Judge (The Honorable Catherine C. Blake)
Bankruptcy Judge (The Honorable Michelle M. Harner)

APPELLANT INFORMAL BRIEF

Respectfully Submitted,

DEAFUEH MONBO, *Appellant*

[Redacted]

[Redacted]

Email: [Redacted].com

[Redacted]

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U.S. DISTRICT COURT
FORTH MARYLAND

1. DECLARATION OF INMATE FILING

Not Applicable

2. JURISDICTION

▪ **Name of court or agency from which review is sought:**

Bankruptcy Court

This appeal arises from two Orders of the United States Bankruptcy Court for the District of Maryland, in Bankruptcy Case No. 19-11083 MMH denying Appellant's Motion to Dismiss (Docket #56) and denying Appellant's Motion to Extend Time to Object to Discharge (Docket #57)

District Court For the District of Maryland

This appeal also arises from the Memorandum Order of the United States District Court for the District of Maryland, in appeal Case No. 1:19-CV-03565-CCB denying Appellant's appeal.

The jurisdiction of the Court of Appeals is invoked under 28 U.S.C. Section 158.

▪ **Date(s) of order or orders for which review is sought:**

September 9, 2020 -- Memorandum of the District Court for the District of Maryland (Dkt 10)

December 9, 2019 --- Order on the Motion to Dismiss (Dkt #56)

December 9, 2019 --- Order on the Motion to Extend Time to Object to Discharge (Dkt #57)

ISSUES FOR REVIEW

3. ISSUE NO. 1

Whether the Appellant raise the issue of 11 U.S.C. Section 523 (a)(6) when Appellant notified the Judge in open court that she wanted to file an adversary complaint under 11 U.S.C. Section 523 (a)(6)?

Supporting Facts #1

Appellant Deafueh Monbo served as the key witness in the Creditor case. Appellant Deafueh Monbo testified for approximately two days on various matter including the extension of time to file an adversary complaint under 11 U.S.C. Section 523 (a)(6). The court transcripts support this fact. Specifically, in the October 18, 2019 Transcript at Page 73, Line 13 – 14, the Appellant states as follows:

THE WITNESS: Your Honor, **the 523 we asked for** an extension of time to file an adversary complaint against him [Debtor].

The Appellant further notifies the Judge and raises the issue of requesting for relief for an extension of time to file a 523 Adversary Complaint. Specifically, in the October 18, 2019 Transcript at Page 94, Line 3 – 12, the Appellant states as follows:

THE WITNESS: Okay. Your Honor, I'm asking for two relief today. But in my opinion what I'm asking for is to dismiss this case for bad faith and fraud on the court. **And I'm also asking for another thing, to extend the time to file my adversary complaint, should we need one. And in that adversary complaint, I plan to -- we will put all the evidence and we will discuss everything for 523 Rule. That was my thing, because the complaint will be a -- you see how this complaint -- it would be a full detailed complaint describing everything to the court for the 523 relief.**

October 18, 2019 Transcript at Page 94, Line 3 – 12,

The records further shows that even the opposing counsel knows that one of the Appellant requested reliefs is for an extension of time to file under 11 USC Section 523. Specifically, in the October 18, 2019 Transcript, at Page 72, Line 20 – 24, Opposing Counsel states as follows:

MS. MAYS: Thank you. And Your Honor, it is not my intent to decide whether or not there has been any type of copyright or trademark infringement here, **but one of the requests for relief in this matter is an extension of time to file a 523.**

See Exhibit 1 for full excerpts from the October 18, 2019 transcript at Page 72 - 73, Page 94, Page 103, Page 104 – 105, Page 114- 115 and Page 336 all discussing Section 523 and discussing Appellant requested relief for an extension of time to file a **Section 523 Adversary Complaint.**

ARGUMENT #1

The lower courts made an error when they concluded that the relief for an extension of time to file a Section 523 Adversary Complaint was not one of the reliefs requested by the Appellant. The Appellant's request for relief for an extension of time to file a section 523 Adversary Complaint **appears in the hearing record (See Exhibit 1).** The issue was raised before the Bankruptcy Court and therefore is persevered for appeal.

Additionally, Bankruptcy Code § 523(a)(6) provides, in relevant part, that:

- (b) A discharge under section 727, 1141, 1228(a), 1228(b) or 1328(b) of this title does not discharge an individual debtor from any debt—
- ...
- (6) or willful and malicious injury by the debtor to another entity or to the property of another entity . . .

All or part of the debt owed to Appellant, as evidenced by the Copyright and Trademark Infringement Complaint (See Debtor Hearing Ex 7) filed in New York Eastern District against

the Debtor, is non-dischargeable as it is a debt for willful and malicious injury caused by the Debtor within the meaning of Bankruptcy Code §523(a)(6).

Debtor, Eric J. Blair is one of the Producer of the infringing film, 12 O'Clock Boys. By producing the infringing and unauthorized derivative film, 12 O'Clock Boys without the authorization or consent of the Appellant and Taje Monbo, the Debtor Eric J. Blair willfully and maliciously caused damage and injury to the Copyright and Trademark property of Appellant and Taje Monbo.

Accordingly, the debt owed by Debtor Eric J. Blair to Appellant and Taje Monbo is not dischargeable pursuant to § 523(a)(6) of the Bankruptcy Code.

4. **ISSUE NO. 2**

Federal Rule Civil Procedure (60)(B) is made applicable to bankruptcy cases according to Rule 9024 of the federal of bankruptcy procedures. **Question:** Is the Appellant and her co-creditor Taje Monbo, entitled to relieve from the final order to file their Adversary Compliant under both 11 U.S.C. Section 523(a)(6) and Section 727 due to excusable neglect **because the Appellant has a meritorious defense?**

Supporting Facts #2

Appellant and her co-creditor, Taje Monbo are the owners of the intellectual properties of the 12 O'Clock Boyz Film series released in 2001 and 2003. Debtor, Eric J. Blair is also the owner and operator of the film production corporation, Mission Film, Inc.

On October 23, 2018, the Appellant and her co-creditor filed a copyright and trademark infringement lawsuit against Debtor, Eric J. Blair, his business Mission Film and several other individuals and entities. Three months later, on January 28, 2019, Debtor Eric J. Blair filed for bankruptcy. Thereafter, Appellant and her co-creditor, Taje Monbo timely moved to (1) dismiss Debtor Eric J. Blair bankruptcy filing and (2) to extend the time to file their Adversary Compliant.

During the two-day hearing before the Bankruptcy Court, the Appellant also further notifies the Judge and raises the issue of requesting for relief for an extension of time to file a Section 523 and Section 727 Adversary Complaint. (See **Exhibit 1** for Transcript excerpt)

ARGUMENT #2

Rule 9024 states that Rule 60 F. R. Civ .P. applies in cases under the Bankruptcy Code. Rule 60(b)(1), F. R. Civ. P., states that the court may relieve a party from a final judgment or order for mistake, inadvertence, surprise, or excusable neglect and section (b)(6) allows for any other reason that justifies relief.

To establish mistake, inadvertence, or excusable neglect under Rule 60(b)(1), a party must show that: “(1) it had a meritorious defense that might have affected the outcome; and (2) granting the motion would not result in prejudice to the non-defaulting party. In re Worldwide Web Systems, Inc. d.b.a. Teleware Global Corp., 328 F.3d 1291, 1295 (11th Cir. 2003) (citing E.E.O.C. v. Mike Smith Pontiac GMC, Inc., 896 F.2d 524, 528 (11th Cir. 1990)). “There is a strong policy of determining cases on their merits and we therefore view defaults with disfavor.” *Id.* (emphasis added).

The Appellant has meritorious defenses. **First**, Bankruptcy Code § 523(a)(6) provides, in relevant part, that:

- (b) A discharge under section 727, 1141, 1228(a), 1228(b) or 1328(b) of this title does not discharge an individual debtor from any debt—
- ...
- (6) or willful and malicious injury by the debtor to another entity or to the property of another entity . . .

All or part of the debt owed to Appellant, as evidenced by the Copyright and Trademark Infringement Complaint (See Debtor Hearing Ex 7) filed in New York Eastern District against

the Debtor, is non-dischargeable as it is a debt for willful and malicious injury caused by the Debtor within the meaning of Bankruptcy Code §523(a)(6).

Second, Bankruptcy Code §727(a)(3) provides that:

(a) The court shall grant the debtor a discharge, unless

...

(3) the debtor has concealed, destroyed, mutilated, falsified, or failed to keep or preserve any recorded information, including books, documents, records, and papers, from which the debtor's financial condition or business transactions might be ascertained, unless such act or failure to act was justified under all of the circumstances of the case;

The Debtor, in his operation of his various businesses, including (1) Mission Film, Inc, and (2) Eric Blair d/b/a Mission Film, concealed, destroyed, mutilated, falsified, or failed to keep or preserve any recorded information, including books, documents, records, and papers, from which the Debtor's financial condition or business transactions might be ascertained.

By virtue of the foregoing, the Debtor's discharge should be denied under Bankruptcy Code §727(a)(3).

Third, Debtor's Bankruptcy Petition claims annual income of \$51,999.96. Debtor swore under penalty of perjury that the information which he provided in the Petition was true and correct. Debtor has offered no satisfactory explanation for his claimed loss of thousands of dollars in Mission Film business income to now \$51,999.96 per year in personal income for 2018.

By virtue of Bankruptcy Code §727(a)(5), Debtor discharge should be denied for Debtor's failure to satisfactorily explain his claim loss of thousands of dollars in Mission Film business income.

Fourth, there is no prejudice to the Debtor's estate since no discharge has been approved and copyright and trademark infringement claims are non-dischargeable.

The Appellant therefore requests that the Court of Appeals relieve her and her co-creditor from the final denial orders so they can file their Adversary Complaint against Debtor Eric J. Blair. And resolve the dispute on the merits.

5. ISSUE NO. 3

First, Taje Monbo address was not listed on the creditor matrix, therefore, the Bankruptcy Court did not mail the Notice of Bankruptcy Filing to Taje Monbo. Second, the Bankruptcy Court never mailed any Notice of Bankruptcy Filing to Taje Monbo's Copyright Lawyer in the New York Copyright lawsuit.

Question 1: Whether Taje Monbo has actual knowledge of the bankruptcy filing where his copyright attorney scavenges the internet and stumbles across information that the Debtor has filed for bankruptcy and the Copyright Lawyer notifies the New York Copyright Court?

Question 2: Does the fact that Taje Monbo's copyright attorney *scavenges* the internet and stumbles across information that the Debtor has filed for bankruptcy *overrides* Taje Monbo's right to due process under the U.S. Constitution?

Supporting Facts #3

On February 26, 2019, Appellant Deafueh received notice of the Appellee's bankruptcy filing. The Notice was addressed solely in the name of Deafueh Monbo. **See Exhibit 2** Prior to February 26, 2019, Appellant Deafueh was not aware of the Debtor's bankruptcy filing.

Co-creditor, Taje Monbo on the other hand, never received notice of the bankruptcy filing because the Debtor-Appellee never listed Co-creditor, Taje Monbo's P.O. Box [REDACTED], Owings Mills, Maryland 21117 address on the creditor matrix as required by the Bankruptcy Code. Taje Monbo's address as listed on the court summons served on the Debtor-Appellee on January 12, 2019 in the Copyright and Trademark Infringement Action is P.O. Box [REDACTED], Owings Mills, Maryland 21117. (See **Exhibit 3** for the summons used as Appellant's Hearing Exh. 17)

Further, the Bankruptcy Court never mailed any Notice of Bankruptcy Filing to Taje Monbo's Copyright Lawyer in the New York Copyright lawsuit.

On March 4, 2019, Copyright Counsel for the Appellant Deafueh and her co-creditor, Taje Monbo advised the United States District Court for the Eastern District of New York that the Debtor-Appellee, a named defendant in the Copyright and Trademark Infringement Action had filed for chapter 7 bankruptcy. (See **Exhibit 4** for copy of Appelle's Hearing Exh 5). However, the Counsel did not advise Co-creditor Taje Monbo himself that the Debtor Eric J. Blair had filed for bankruptcy.

Further, Appellant Deafueh Monbo who served as the key witness testified for approximately two days on various matters including the fact that (1) Taje Monbo did not receive copies of the Notice of Bankruptcy Filing and (2) that for over that past ten years, Taje Monbo has never live at her address. (See the October 18, 2019 Transcript at page 7- 8, page 17, Line 6 - 21, Page 18, Line 4-7, and Page 19 attached as **Exhibit 5**

Also see July 17, 2019 Transcript, Page 82 -83, line 23 -25, and Line 1-7 on Page 83 attached as **Exhibit 5.**

ARGUMENT #3

The Lower court made an error when they surmise that co-creditor Taje Monbo receive actual notice of the Bankruptcy Filing because his copyright lawyer notified the New York Court of a Bankruptcy Filing.

First, the Bankruptcy Court never mailed any Notice of Bankruptcy Filing to Taje Monbo's Copyright Lawyer in the New York Copyright lawsuit. Second, the fact that the copyright attorney scavenged the internet and stumbles across information that the Debtor has filed

for bankruptcy and the Copyright Lawyer notifies the New York Copyright Court does not override the fact that Taje Monbo himself is entitled to due process.

It is undisputed that Taje Monbo was not served with notice of the Claims Bar Date. Here, taking into account the factual allegations not contested by the Appellee, the Appellee was negligent for failing to include the address for Taje Monbo on the mailing matrix and failing to ever give actual notice of the Claims Bar Date to Taje Monbo.

The United States Supreme Court, in the case of *Pioneer Inv. Serv.'s Co. v. Brunswick Assoc's Ltd., P'ship*, 507 U.S. 380 (1993), established the standards for determining whether circumstances constitute excusable neglect allowing for a late filing applying Rule 9006(b)(1), Fed.R.Civ.P. The Court adopted the factors enunciated in *In re Dix*, 95 B.R. 134 (9th Cir. BAP 1988), including:

“(1) whether granting the delay will prejudice the debtor; (2) the length of the delay and its impact on efficient court administration; (3) whether the delay was beyond the reasonable control of the person whose duty it was to perform; (4) whether the creditor acted in good faith; and (5) whether clients should be penalized for their counsel's mistake or neglect.” ’ ’ *Id.*, at 158a–159a (quoting *In re Dix*, 95 B.R. 134, 138 (9th Cir. BAP 1988) (in turn quoting *In re Magouirk*, 693 F.2d 948, 951 (9th Cir. 1982))). The District Court also suggested that the Bankruptcy Court consider whether the failure to comply with the bar date “resulted from negligence, indifference or culpable conduct on the part of a moving creditor or its counsel.” *Id.* at 385

In sum, the Court adopted a principle of equity in determining if there was excusable neglect.

Here, there is the failure of the Debtor to include the address of Taje Monbo on the mailing matrix and the failure to give actual notice of the Claims Bar Date – clearly a denial of due process. The Appellee however argues that because Taje Monbo’s Copyright Counsel advised the United States District Court for the Eastern District of New York on March 4, 2019, that the Appellee, a

named defendant in the Copyright and Trademark Infringement Action had filed for chapter 7 bankruptcy that equates to Taje Monbo himself having actual notice of the Claim Bar Date. However, if this were the burden imposed upon all claimants, there would be no need to list creditors or give them notice in an effort to discharge their claims. Further, **the Bankruptcy Court never mailed any Notice of Bankruptcy Filing to Taje Monbo's Copyright Lawyer in the New York Copyright lawsuit.** Second, the fact that the copyright attorney scavenged the internet and stumbles across information that the Debtor has filed for bankruptcy and the Copyright Lawyer notifies the New York Copyright Court does not override the fact that Taje Monbo himself is entitled to due process. Third, Appellant Deafueh Monbo who served as the key witness testified for approximately two days on various matters including the fact the Taje Monbo did not receive copies of the Notice of Bankruptcy Filing.

The Court has discretion to make a determination if there was excusable neglect. Where the Debtor failed to include the address for a known potential creditor on the matrix and failed to give notice to the creditor (who was the target of estate litigation in this case), the creditor's failure to adhere to the Claims Bar Date was a denial of due process, and the creditor has no duty to investigate the bankruptcy case to find out the Claims Bar Date. *In re Pappalardo*, 210 B.R. 634 (Bankr. S.D.Fla. 1997). Applying the factors in *Pioneer*, there is no prejudice to the Debtor and the length of the delay will not impact on efficient Court administration as there is no discharge plan before the Court **and copyright and trademark infringement claims are non-dischargeable.**

Bankruptcy courts have discussed the failure to give notice to a known creditor as creating both excusable neglect and being a denial of due process. *In re Thomson McKinnon Securities, Inc.*, 159 B.R. 146 (Bankr. S.D.N.Y. 1993), *In re S.N.A. Nut Company*, 198 B.R. 541 (Bankr. N.D.Ill.

1996). Even where a creditor has actual knowledge of a bankruptcy case, it is entitled to actual notice of a Claims Bar Date and not constructive notice by publication:

When a creditor is unknown to the debtor, publication notice of the claims bar date will satisfy the requirements of due process. *See Mullane*, 339 U.S. at 317-18, 70 S.Ct. 15 658-59. Indeed, creditors which are unknown to the debtor, but aware of the bankruptcy, have a duty to inquire whether their claim might be affected by the proceeding. *See In re Gregory*, 705 F.2d 1118, 1123 (9th Cir. 1983). However, if a creditor is known to the debtor, notice by publication is not constitutionally reasonable, and actual notice of the relevant bar dates must be afforded to the creditor. (Citations omitted).

S.N.A. Nut Company, 198 B.R. at 543-44.

More than one court has noted that when both the debtor and the creditor are guilty in the handling of a claim and the Debtor is aware of the creditor's claim, then a tie goes to the creditor. *In re Premier Membership Services, LLC*, 276 B.R. 709, 713 (Bankr. S.D.Fla. 2002).

6. ISSUE NO. 4

Whether pursuant to 11 U.S. C. 704 (a)(4), the Trustee had the duty to investigate the financial affairs of Debtor Eric J. Blair and Debtor's business (Mission Film, Inc.) after receiving the 49-page Notice of Fraud and Deceit?

Supporting Facts

On January 28, 2019, the Appellee filed this Chapter 7 bankruptcy case. *See* Bankruptcy Dkt 1. Relying on misrepresentations made by the Appellee in Appellee's bankruptcy petition, on March 11, 2019, the Trustee (Zvi Guttman) issued a Report of No Distribution in the Appellee's bankruptcy case. (Bankruptcy Dkt 12 in Case No. 19-11083 MMH)

On March 31, 2019, Appellant Deafueh Monbo emailed the Trustee and notified the Trustee that she had uncovered documents that reveal that the Appellee had made false representation and material omissions in his Petition for Bankruptcy which she wanted to turn over to the Trustee. *See* Bankruptcy Dkt 15, Exh. 1, in Case No. 19-11083 MMH.

The Trustee then asked Appellant Deafueh Monbo to email the uncovered documents to him with a brief explanation of the issues. *See* Bankruptcy Dkt 15, Exh. 2 in Case No. 19-11083.

On April 1, 2019, Appellant Deafueh Monbo emailed the uncovered documents to the Trustee along with a brief explanation of the issue of suspected fraud by the Appellee including the omission of income from royalties, DVD sales and licensing fees earned from Appellee's film, *12 O'Clock Boys*. *See* Dkt 15, Exh. 3 in Case No. 19-11083

On April 1, 2019, the Trustee withdrew his Report of No Distribution in Appellee's Bankruptcy case. *See* Bankruptcy Dkt 14 in Case No. 19-11083. *However*, the Trustee failed to investigate the financial affairs of Debtor Eric J. Blair and Debtor's business (Mission Film, Inc.) after receiving the 49-page Notice of Fraud and Deceit.

ARGUMENT #4

11 U.S. C. 704 (a)(4), states as follows: The trustee shall—investigate the financial affairs of the debtor. Here in this case the Trustee received a **49-page Notice of Fraud and Deceit** and the Trustee failed to investigate the financial affairs of Debtor Eric J. Blair and Debtor's business (Mission Film, Inc.) after receiving the 49-page Notice of Fraud and Deceit.

The Debtor has stated that he received zero dollars from the film 12 O'Clock Boys which (1) he produced and is sold being worldwide and (2) in which he, the Debtor invested money into the making of the film, 12 O'Clock Boys. Appellant finds that the Appellee statements are self-serving and is an attempt to defraud creditors.

The Trustee made an error in going against 11 U.S. C. 704 (a)(4) and failing to investigate the financial affairs of Debtor Eric J. Blair and Debtor's business (Mission Film, Inc. when he received the 49-page Notice of Fraud and Deceit.

7. ISSUE NO. 5

The Appellant read the District Court's Memorandum and the Appellant identified several erroneous facts relied on by the District Court in conducting its appellate review which ultimately led to the District Court's analysis being flawed. No oral hearing was held in District Court's appeal to assist the District Court in understanding facts or even answering questions that the District Court might have had. The Appellant has included a separate section at Number 10 titled "Erroneous Facts Identified by Appellant" where she points out the erroneous facts relied on by the District Court in conducting its appellate review.

8. RELIEF REQUESTED

Appellant pray that the Court of Appeals finds that the Appellant and her co-creditor (Taje Monbo) are permitted to file their Adversary Complaint under 11 U.S.C. Section 523 and 11 U.S.C. Section 727 because they have a meritorious defense and no prejudice will in to

Appellant further prays that Court of Appeals remand the case to the Bankruptcy Court with instructions for further proceedings consistent with reversal, and award such other legal and equitable relief as it deems appropriate.

9. PRIOR APPEALS (for appellants only)

A. Have you filed other cases in this court? Yes [] No [X]

B. If you checked YES, what are the case names and docket numbers for those appeals and what was the ultimate disposition of each?

[REDACTED]

[REDACTED]

ERRONEOUS FACTS

10. ERRONEOUS FACTS IDENTIFIED BY APPELLANT

The Appellant read the District Court's Memorandum and the Appellant identified several erroneous facts relied on by the District Court in conducting its appellate review which ultimately led to the District Court's analysis being flawed. No oral hearing was held in District Court's appeal to assist the District Court in understanding facts or even answering questions that the District Court might have had. This section at Number 10 titled "Erroneous Facts Identified by Appellant" points out the erroneous facts relied on by the District Court in conducting its appellate review which ultimately led to the District Court's analysis being flawed.

➤ **District Court Erroneous Fact #1 - See Memorandum Opinion at Page 4**

The District Court's erroneous fact states as:

"... although the notice was not mailed to Taje Monbo, he had actual knowledge of the case at least as of March 4, 2019, when the Monbos' attorneys filed a suggestion of bankruptcy in the civil litigation in which the Monbos are joint plaintiffs. The suggestion of bankruptcy noted that Deafueh Monbo had received the notice of bankruptcy filing, and the suggestion was filed by "Attorney for Plaintiffs Taje Monbo and Deafueh Monbo." Therefore, as the suggestion was filed on behalf of Taje Monbo and Deafueh Monbo, the court found that Taje Monbo had actual knowledge of the bankruptcy filing as of at least March 4, 2019.

See Memorandum Opinion at Page 4

Appellant Comment #1

First, The Bankruptcy Court never mailed any Notice of Bankruptcy Filing to Taje Monbo's Copyright Lawyer in the New York Copyright lawsuit. Second, the fact that the copyright attorney scavenged the internet and stumbles across information that the Debtor has filed for bankruptcy and the Copyright Lawyer notifies the New York Copyright Court does not override the fact that Taje Monbo himself is entitled to due process. Third, Appellant Deafueh Monbo who served as the key witness testified for approximately two days on various matters including the fact the Taje Monbo did not receive copies of the Notice of Bankruptcy Filing.

➤ **District Court Erroneous Fact #2 - See Memorandum Opinion at Page 4**

The District Court's erroneous fact states as:

“Further, the court found that the Monbos had not shown that they exercised all reasonable diligence in attempting to file an objection to discharge, as Deafueh Monbo chose not to attend the section 341 meeting of creditors, and the Monbos had not taken any discovery, despite having commenced contested matters by filing the motion to dismiss and the motion for extension of time.

See Memorandum Opinion at Page 4

Appellant Comment #2

Although, Appellant Deafueh Monbo chose not to attend the non-mandatory section 341 meeting of creditors, **she was in constant contact and communication with the Trustee**. Specifically, on March 31, 2019, Appellant Deafueh Monbo emailed the Trustee and notified the Trustee that she had uncovered documents that reveal that the Appellee had made false representation and material omissions in his Petition for Bankruptcy which she wanted to turn over to the Trustee. *See* Bankruptcy Dkt 15, Exh. 1, in Case No. 19-11083 MMH.

The Trustee then asked Appellant Deafueh Monbo to email the uncovered documents to him with a brief explanation of the issues. *See* Bankruptcy Dkt 15, Exh. 2 in Case No. 19-11083.

On April 1, 2019, Appellant Deafueh Monbo emailed the **49-page** Notice of Fraud and Deciet document to the Trustee along with a brief explanation of the issue of suspected fraud by the Appellee. **Appellant Deafueh Monbo also place phone calls to the Trustee during the Month of April 2019 to follow-up with the Trustee on the 49-page Notice of Fraud and Deceit. (See Exhibit 6)**. The submission of the **49-page** Notice of Fraud and Deceit and the phone calls to the Trustee surely demonstrates due diligence.

With respect to the Court statement that “the Monbos had not taken any discovery, despite having commenced contested matters by filing the motion to dismiss and the motion for extension of time”, the Appellant will bring to the Court attention that the Appellant raise the issue of Rule 2004 discovery to the Judge and the Judge stated “**So why do you raise Rule 2004?** *See* July 17, 2019 Transcript at page 83 – 84, stating at Line 8 – 25 (discussing Rule 2004 attached hereto as **Exhibit 7**

The Judge goes on to say to Appellant Deafueh Monbo that “the Court cannot use Rule 2004” *See* July 17, 2019 Transcript at page 83 – 84, stating at Line 8 – 25 and then line 1-16 at page 84 (discussing Rule 2004 attached hereto as **Exhibit 7**

➤ **District Court Erroneous Fact #3 - See Memorandum Opinion at Page 7**

The District Court's erroneous fact states as:

“Finally, there is no evidence that Blair failed to list Taje Monbo's correct address in the creditor matrix on purpose, and the court notes that the fact that Blair listed Deafueh Monbo's address correctly – and she received formal notice – indicates that Blair was not trying to hide his bankruptcy filing from the Monbos.

See Memorandum Opinion at Page 7

Appellant Comment #3

This is what the Court fails to comprehend. The copyright to the FILM is owned by Taje Monbo and not Deafueh Monbo. (See Copyright Registration Papers¹ attached as **Exhibit 8**). Appellee Eric J. Blair chose not to send the copyright notice to Taje Monbo in order to hide from Taje Monbo who is the Sole Copyright Owner of the original films so as to wipe out Taje Monbo's film copyright debt without Taje Monbo knowing about the Bankruptcy Filing.

➤ **District Court Erroneous Fact #4 - See Memorandum Opinion at Page 9**

The District Court's erroneous fact states as:

“The Monbos now argue in their appellate brief that the Monbos' copyright attorney never informed Taje Monbo of the bankruptcy. But Taje Monbo did not testify to this at the hearing, even though the notice of bankruptcy was discussed, so the court will not consider it now. (See ECF 2-44, Hearing Tr. at 117–21 (discussing notice of bankruptcy filed in the civil case); *id.* at 326 (counsel for Blair noting that Taje Monbo did not testify that he was unaware of the bankruptcy, with no objection from the Monbos)).

See Memorandum Opinion at Page 9

Appellant Comment #4

What the District Court fails to comprehend is that Appellant Deafueh Monbo was the key witness in this case. **Appellant Deafueh Monbo testified for approximately two days.** Appellant Deafueh Monbo, the key witness testified that (1) Taje Monbo did not receive copies of the Notice of Bankruptcy Filing and (2) that for over that past ten years, Taje Monbo has never live at her address. (See July 17, 2019 Transcript, Page 82 -83, line 23 -25, and Line 1-7 attached as Exhbiit XXA. Also see the October 18, 2019 Transcript at page 17, Line 6- 21 attached as XXB

¹ Taje Monbo's Copyright Registration for the original film, 12 O'Clock Boyz is attached to the Original Complaint in CV-18-5930,EDNY which the Appelle Eric J. Blair entered into evidence as his Appellee Hearing Exhibit #1)

Further, the Bankruptcy Court never mailed any Notice of Bankruptcy Filing to Taje Monbo's Copyright Lawyer in the New York Copyright lawsuit. The fact that the copyright attorney may have scavenged the internet and stumbles across information that the Debtor has filed for bankruptcy and the Copyright Lawyer notifies the New York Copyright Court does not mean that the Copyright Lawyer informed Taje Monbo himself of the Bankruptcy.

Bottom line, Taje Monbo does not have to testify to the same facts where Deafueh Monbo, the key witness in the case has already testified to during **her two-day testimony**.

➤ **District Court Erroneous Fact #5 - See Memorandum Opinion at Page 9**

The District Court's erroneous fact states as:

"Further, given that the address Blair listed for Taje Monbo was Deafueh Monbo's address, it appears that Deafueh Monbo would have received a separate notice addressed to Taje Monbo or that the notice she received would have been addressed to them jointly. As such, the court agrees with the bankruptcy court that Taje Monbo had actual knowledge of the bankruptcy filing at least as of March 4, 2019.

See Memorandum Opinion at Page 9

Appellant Comment #5

First, the District Court is not permitted to interject facts where it does not exist in the case. In other words, the District Court can not say it appears that Deafueh Monbo would have received a separate notice addressed to Taje Monbo when Deafueh Monbo never received a separate notice addressed to Taje Monbo. Further, the District Court can not say that "the notice Deafueh Monbo received would have been addressed to she and Taje Monbo jointly" when the notice that Deafueh Monbo received was addressed solely to Deafueh Monbo alone. The District Court's analysis is flawed.

➤ **District Court Erroneous Fact #6 - See Memorandum Opinion at Page 10**

The District Court's erroneous fact states as:

"The Monbos argue that the bankruptcy court erred in failing to extend time to file an objection to discharge pursuant to 11 U.S.C. § 523(a)(6), which provides that a discharge under Chapter 7 (11 U.S.C. § 727) does not discharge an individual debtor from a debt "for willful and malicious injury by the debtor to another entity or to the property of another entity." 11 U.S.C. § 523(a)(6).

This issue was addressed during the hearing by the bankruptcy judge. As the judge noted during the hearing, the Monbos did not request a motion for extension of time to object to discharge based on § 523. (ECF 2-44, Hearing Tr. at 336). The Monbos' motion for extension of time related only to extending the deadline under 11 U.S.C. § 727."

See Memorandum Opinion at Page 10

Appellant Comment #6

As discussed in Issued #1, Appellant Deafueh Monbo served as the key witness in the Creditor case. Appellant Deafueh Monbo testified for approximately two days on various matter including the extension of time to file an adversary complaint under 11 U.S.C. Section 523 (a)(6). The court transcripts support this fact. Specifically, in the 10/18/2019 Transcript at Page 73, Line 13 – 14, the Appellant states as follows:

THE WITNESS: Your Honor, **the 523 we asked for** an extension of time to file an adversary complaint against him [Debtor].

The Appellant further notifies the Judge and raises the issue of requesting for relief for an extension of time to file a 523 Adversary Complaint. Specifically, in the October 18, 2019 Transcript at Page 94, Line 3 – 12, the Appellant states as follows:

THE WITNESS: Okay. Your Honor, I'm asking for two relief today. But in my opinion what I'm asking for is to dismiss this case for bad faith and fraud on the court. **And I'm also asking for another thing, to extend the time to file my adversary complaint, should we need one. And in that adversary complaint, I plan to -- we will put all the evidence and we will discuss everything for 523 Rule. That was my thing, because the complaint will be a -- you see how this complaint -- it would be a full detailed complaint describing everything to the court for the 523 relief.**

See October 18, 2019 Transcript at Page 94, Line 3 – 12,

Even the opposing counsel knows that one of the Appellant requested reliefs is for an extension of time to file under 11 USC Section 523. Specifically, in the October 18, 2019 Transcript, at Page 72, Line 20 – 24, Opposing Counsel states as follows:

MS. MAYS: Thank you. And Your Honor, it is not my intent to decide whether or not there has been any type of copyright or trademark infringement here, **but one of the requests for relief in this matter is an extension of time to file a 523.**

See **Exhibit 1** for full excerpts from the October 18, 2019 transcripts referenced above showing that the Appellant and Opposing Counsel *both* know that the Appellant requested relief for an extension of time to file a Section 523 Adversary Complaint.

LIST OF EXHIBITS

- Exhibit 1 October 18, 2019 Transcript discussing Section 523
- Exhibit 2 Actual Notice of Bankruptcy Notice Mailed to Solely Deafueh Monbo in Deafueh Monbo Sole Name
- Exhibit 3 Court Summons in CV-18-5930, EDNY -- (Appellant's Hearing Exhibit 17)
- Exhibit 4 Letter From Luiz Felipe, Esq. in CV-18-5930, EDNY (Appellant's Hearing Exhibit 5)
- Exhibit 5 July 17, 2019 Transcript discussing No Address for Taje Monbo on the Creditor Matrix
- Exhibit 6 Email Communication with Trustee - April 6, 2019
- Exhibit 7 July 17, 2019 Transcript discussing Appellant Deafueh Monbo Request for Rule 2004 Examination
- Exhibit 8 2001 Copyright Registration showing Taje Monbo as Owner of Copyright to FILM and not Deafueh Monbo. See Original Complaint in CV-18-5930, EDNY filed by Taje Monbo and Deafueh Monbo -- (Appelle Hearing Exhibit 1)

CERTIFICATE OF SERVICE

I certify that on October 12, 2020 I served a copy of this Informal Brief on all parties, addressed as shown below:

James R. Logan
James R. Logan P.A.
2419 Maryland Avenue
Baltimore, MD 21218
Attorney for Eric J. Blair

[Redacted]
[Redacted]

EXHIBIT 1

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division

IN RE:	: Case No. 19-11083-MMH
	:
ERIC J. BLAIR,	: Chapter 7
	:
Debtor.	: Baltimore, Maryland
	: Friday, October 18, 2019
	: 10:15 a.m.

: :

TRANSCRIPT OF HEARING ON

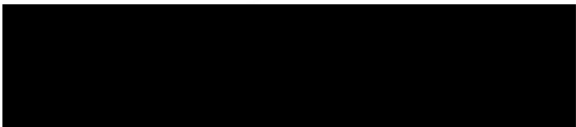
[18] MOTION TO DISMISS DEBTOR'S CHAPTER 7 CASE PURSUANT TO 11 U.S.C. SECTION 707(A) AND 707(B) FILED BY DEAFUEH MONBO AND TAJE MONBO

[19] MOTION FOR AN ORDER EXTENDING THE DEADLINE FOR CREDITORS TO FILE COMPLAINTS OBJECTING TO DISCHARGE UNDER AND PURSUANT TO 11 U.S.C. SECTION 727 AND FRBP RULE 4004(B)(1); MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF FILED BY DEAFUEH MONBO, TAJE MONBO

[27] RESPONSE ON BEHALF OF ERIC J. BLAIR FILED BY JAMES R. LOGAN (RELATED DOCUMENT(S) 18 MOTION TO DISMISS CASE FILED BY CREDITOR DEAFUEH MONBO, CREDITOR TAJE MONBO)

[28] RESPONSE ON BEHALF OF ERIC J. BLAIR FILED BY JAMES R. LOGAN (RELATED DOCUMENT(S) 19 MOTION TO EXTEND TIME TO OBJECT TO DISCHARGE FILED BY CREDITOR DEAFUEH MONBO, CREDITOR TAJE MONBO)

BEFORE THE HONORABLE MICHELLE M. HARNER,
UNITED STATES BANKRUPTCY JUDGE



001

1 APPEARANCES:

2 For the Debtor:

Susan Mays, ESQ.
JAMES R. LOGAN, P.A.
2419 Maryland Avenue
Baltimore, MD 21218

4 Also Present:

DEAFUEH MONBO, Pro Se
Creditor/Movant

6

TAJE MONBO, Pro Se
Creditor/Movant

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18 Audio Operator:



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20 Transcript prepared by:



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24 Proceedings recorded by electronic sound recording; transcript
produced by transcription service.

25



002

1 APPEARANCES:

2 For the Debtor:

Susan Mays, ESQ.
JAMES R. LOGAN, P.A.
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Baltimore, MD 21218

3

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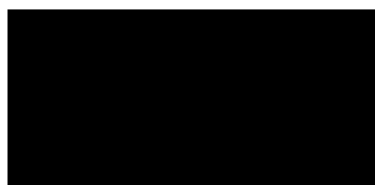
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18 Audio Operator:



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20 Transcript prepared by:



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Proceedings recorded by electronic sound recording; transcript
24 produced by transcription service.

25



ERIC J. BLAIR

1 complaint against Eric Blair in the bankruptcy court. So this
2 complaint is not -- we just here to -- we trying to dismiss
3 his -- we filed a motion to dismiss for fraud and
4 (indiscernible) in filing his bankruptcy application.

5 So this complaint document here is being handled by
6 the New York -- all copyright infringement, and trademark
7 infringement is being handled by the New York courts.

8 THE COURT: So let me say for both of you, I have no
9 intention of resolving infringement claims unless someone
10 removes a case here, but it seems to be well situated in the
11 Eastern District of New York, given the number of nondebtor
12 parties named.

13 I will note, I am also aware of the adversary
14 proceeding that's been filed against the movants for violating
15 the automatic stay by taking certain actions, allegedly,
16 against Mr. Blair in the New York case during the pendency of
17 this bankruptcy case, but none of that is before me today.

18 So with those statements on the record, Ms. Mays
19 please proceed.

20 MS. MAYS: Thank you. And Your Honor, it is not my
21 intent to decide whether or not there has been any type of
22 copyright or trademark infringement here, but one of the
23 requests for relief in this matter is an extension of time to
24 file a 523. So I'm only getting into it to the extent that it
25 might be relevant to a 523, because if there's no basis for a

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ERIC J. BLAIR

1 523 it's going to help answer that question.

2 THE COURT: Understood. So you can proceed, and
3 we'll keep the purpose of today's proceedings in mind with use
4 of Exhibit 1 --

5 MS. MAYS: Okay.

6 THE COURT: -- filed by the debtors.

7 MS. MAYS: And I would offer Exhibit 1 into evidence
8 for the limited purpose of holding it up next to the motion to
9 dismiss and any potential motion under 523.

10 THE COURT: Okay.

11 THE WITNESS: Okay. Can I say something?

12 THE COURT: Of course.

13 THE WITNESS: Your Honor, the 523 we asked for an
14 extension of time to file an adversary complaint against him.

15 So once that -- if -- if we have this motion to dismiss
16 granted, there will be no need for us to file this complaint.
17 So I don't want to take this time to talk about --

18 THE COURT: So today's hearing, though, is on both
19 motions.

20 THE WITNESS: Okay.

21 THE COURT: Because if I deny the motion to
22 dismiss --

23 THE WITNESS: Um-hum.

24 THE COURT: -- the time to file the dischargeability
25 actions already passed unless I would grant you the extension.

ERIC J. BLAIR

1 THE WITNESS: Okay.

2 THE COURT: -- here today.

3 THE WITNESS: Okay. Your Honor, I'm asking for two
4 relief today. But in my opinion what I'm asking for is to
5 dismiss this case for bad faith and fraud on the court. And

6 I'm also asking for another thing, to extend the time to file
7 my adversary complaint, should we need one. And in that
8 adversary complaint, I plan to -- we will put all the evidence
9 and we will discuss everything for 7523 Rule. That was my
10 thing, because the complaint will be a -- you see how this
11 complaint -- it would be a full detailed complaint describing
12 everything to the court for the 523 relief.

13 THE COURT: I completely appreciate --

14 THE WITNESS: Okay.

15 THE COURT: -- the nature of an adversary and what a
16 complaint looks like on dischargeability --

17 THE WITNESS: Okay.

18 THE COURT: -- but we're here on both.

19 THE WITNESS: Oh.

20 THE COURT: Right, the motion to dismiss. And at
21 least part of your allegations on July 17th --

22 THE WITNESS: Um-hum.

23 THE COURT: -- were that he failed to disclose
24 income, and so that was part of the fraud on the Court.

25 THE WITNESS: Yes.

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ERIC J. BLAIR

1 question -- one of the reasons we wanted to file the adversary
2 complaint because under 523 he is entitled to keep records,
3 which he haven't kept records or which we don't have record of
4 his financial income for his business. He's -- under the law,
5 he is required -- under the bankruptcy law he's required to
6 keep the books for his business. He hasn't showed his tax
7 records to the -- to this Court --

8 THE COURT: So I'll just note for the record, the
9 Court's not accepting your characterization of 523 --

10 THE WITNESS: Okay.

11 THE COURT: -- but you can state your belief.

12 THE WITNESS: Okay. Yes.

13 So he haven't shown his business taxes. He say he's
14 not in business. The Court hasn't seen his business taxes to
15 know if he's even in -- if he's not in business. So --

16 THE COURT: And so I will tell you in most cases,
17 taxes and financial information are provided to the Chapter 7
18 trustee. The Court never sees them.

19 THE WITNESS: Okay.

20 THE COURT: And so I don't know if you went to the
21 Section 341 meeting of creditors in this case or not, but
22 there is when the trustee would have asked questions along
23 these lines.

24 THE WITNESS: Okay. And he said he didn't have any
25 business, so there was no tax information for his business,

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ERIC J. BLAIR

1 which is one of the allegations we made in the motion to
2 dismiss that he provided misrepresentation to the trustee. So
3 therefore, the trustee relied on his misrepresentation and
4 said he had no assets.

5 But the question you were asking me about, one of the
6 reasons we had wanted to put his -- my brother's copyright
7 paper or anything, Mr. Blair is not allowed, under the
8 bankruptcy -- I'm just -- from my understanding - he's not
9 allowed to discharge any willful copyright and fair --

10 MS. MAYS: Object to that.

11 THE WITNESS: Okay. Not him, okay. Let me rephrase.

12 An individual who is coming to file bankruptcy, in
13 general, is not allowed to discharge a debt that is willful
14 and -- willful infringement to another person property. So
15 Mr. Blair will not be able to discharge or dismiss his willful
16 -- his (indiscernible) copyright and trademark --

17 THE COURT: So I'm not sure -- so I think you're
18 referencing 523(a)(6) --

19 THE WITNESS: Yes, because she's showing that.

20 THE COURT: -- of the Bankruptcy Code. I'm not
21 sure -- I'm not going to make a determination here today
22 whether or not certain facts fit within the case law because,
23 again, all the exceptions to discharge are very fact-intensive
24 and read narrowly because of the presumption in favor of
25 discharge.

ERIC J. BLAIR

1 I think Ms. Mays, if you want to ask questions on the
2 523 that's fine. Ms. Monbo, if you want to address what you
3 think your complaint would look like on the record, that's
4 fine. But I'm not making any legal conclusions today
5 regarding 523(a) of the Bankruptcy Code.

6 MS. MAYS: Okay. I'm going to skip ahead again, Your
7 Honor.

8 THE COURT: Okay.

9 MS. MAYS: Just in the interest of keeping things
10 moving, I'm always aware of the clock and of your court staff,
11 so let me just short-circuit this.

12 BY MS. MAYS:

13 Q. In your original complaint and your amended complaint,
14 you make numerous allegations against Mr. Blair personally and
15 Mission Film, Incorporated, correct?

16 A. Yes.

17 Q. Do you have evidence right now today to support each and
18 every allegation made against Eric Blair and Mission Films,
19 Incorporated?

20 A. On the motion to dismiss?

21 Q. No, in your complaint.

22 A. Oh, okay. What was the question? I thought you
23 was -- okay, what was the question.

24 Q. Do you have evidence --

25 A. Um-hum.

ERIC J. BLAIR

1 mean, it's 12 o'clock --

2 THE WITNESS: Yes.

3 THE COURT: -- and we're --

4 THE WITNESS: Yes.

5 THE COURT: -- still --

6 THE WITNESS: Yes.

7 THE COURT: -- very early in this --

8 THE WITNESS: Yes.

9 THE COURT: -- proceeding. And I want to be
10 respectful of --

11 THE WITNESS: Okay.

12 THE COURT: -- of my staff's time and resources.

13 THE WITNESS: Yes.

14 THE COURT: So my understanding is that your thinking
15 on the 523 claim is that -- your understanding -- I'm --

16 THE WITNESS: Um-hum.

17 THE COURT: -- the Court may not agree with your --

18 THE WITNESS: Yes.

19 THE COURT: -- legal conclusions --

20 THE WITNESS: Yes.

21 THE COURT: -- your understanding is that patent
22 copyright infringement, in and of itself -- because the
23 underlying cause of action has a component of intent -- would
24 satisfy 523.

25 THE WITNESS: Yes.



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ERIC J. BLAIR

1 THE COURT: Okay. No legal conclusion being made
2 here by the Court, but that's their position. That's what the
3 Court understands the position to be by the movement --
4 movant.

5 MS. MAYS: That's why I'm asking these questions,
6 Your Honor, because --

7 THE WITNESS: Yes.

8 MS. MAYS: -- if there's no basis under 523 that will
9 help answer the --

10 THE WITNESS: No.

11 THE COURT: So she believes there's a basis; you
12 don't, I'll make the legal conclusion. Let's move.

13 MS. MAYS: Okay. All right. All right, we can do
14 that.

15 BY MS. MAYS:

16 Q. Now, if I could ask you to turn to Exhibit 4 in the
17 exhibit binder.

18 A. Um-hum.

19 Q. Backing up a step. The original complaint.

20 A. Okay.

21 Q. Exhibit 1, I believe, was the whole complaint that was
22 entered. You and your brother, Taje, filed this jointly,
23 correct?

24 A. Yes.

25 Q. And you are -- every allegation in there is made by both

ERIC J. BLAIR

1 THE COURT: Okay. That's not been raised. So the
2 deadline for objecting to discharge of your particular claim
3 under Section 523 has long expired.

4 MS. MONBO: Okay. Can -- before you move on --

5 THE COURT: Yes.

6 MS. MONBO: -- I just want to be on the same page
7 with you.

8 THE COURT: Sure.

9 (Pause)

10 MS. MONBO: Okay. We would have to research that.

11 THE COURT: Okay.

12 MS. MONBO: But I will understand was anything
13 willful cannot be discharged. And that was one of the reasons
14 we were asking for the extension, so that we could be able to
15 file the adversary.

16 THE COURT: Understood. And part of the reason I
17 wanted to make sure both parties were aware of the motion
18 before me --

19 MS. MONBO: Um-hum.

20 THE COURT: -- and the section of the Code it raised,
21 is so you could address it in your post-hearing briefs.
22 Because that section -- that's 523.

23 What your motion does move under is Section 727 of
24 the Code. Now, this is a different provision, and it seeks to
25 deny the debtor's general discharge so he wouldn't be relieved

EXHIBIT 2

Information to identify the case:

Debtor 1	Eric J. Blair	Social Security number or ITIN	xxx-xx-4003
	_____ First Name Middle Name Last Name	EIN	__-_____-____
Debtor 2 (Spouse, if filing)	_____ First Name Middle Name Last Name	Social Security number or ITIN	_____-_____-____
		EIN	__-_____-____
United States Bankruptcy Court District of Maryland		Date case filed for chapter 7 1/28/19	
Case number: 19-11083 MMH Chapter: 7			

Official Form 309A (For Individuals or Joint Debtors)

Notice of Chapter 7 Bankruptcy Case -- No Proof of Claim Deadline

12/15

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case. Visit <http://www.mdb.uscourts.gov> and click on Filing Without An Attorney for additional resources and information.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name	Eric J. Blair	
2. All other names used in the last 8 years		
3. Address	2213 Lowells Glen Rd Unit F Parkville, MD 21234-2349	
4. Debtor's attorney Name and address	James R. Logan James R. Logan P.A. 2419 Maryland Avenue Baltimore, MD 21218	Contact phone (410) 243-1508 Email: jamesloganpa@gmail.com
5. Bankruptcy trustee Name and address	Zvi Guttman c/o The Law Offices of Zvi Guttman, P.A. P. O. Box 32308 Baltimore, MD 21282-2308	Contact phone (410) 580-0500 Email: zvi@zviguttman.com

For more information, see page 2 >

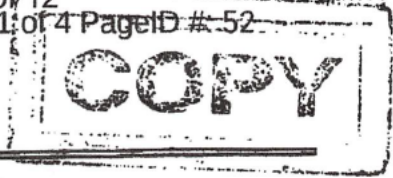
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Debtor **Eric J. Blair**Case number **19-11083**

<p>6. Bankruptcy clerk's office</p> <p>Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov.</p>	<p>Baltimore Division 101 West Lombard Street, Ste. 8530 Baltimore, MD 21201</p> <p>Clerk of the Bankruptcy Court: Mark A. Neal</p>	<p>Hours open: 8:45 – 4:00 PM</p> <p>Contact phone (410) 962-2688</p> <p>Date: 1/29/19</p>
<p>7. Meeting of creditors</p> <p>Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.</p>	<p>March 5, 2019 at 10:00 AM</p> <p>The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</p>	<p>Location:</p> <p>101 W. Lombard Street, Garmatz Courthouse, 2nd Fl., #2650, Baltimore, MD 21201</p>
<p>8. Presumption of abuse</p> <p>If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.</p>	<p>The presumption of abuse does not arise.</p>	
<p>9. Deadlines</p> <p>The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.</p>	<p>File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:</p> <p>Filing deadline: 5/6/19</p> <p>You must file a complaint:</p> <ul style="list-style-type: none"> • if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or • if you want to have a debt excepted from discharge under 11 U.S.C § 523(a)(2), (4), or (6). <p>You must file a motion:</p> <ul style="list-style-type: none"> • if you assert that the discharge should be denied under § 727(a)(8) or (9). <hr/> <p>Deadline to object to exemptions:</p> <p>The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.</p> <p>Filing deadline: 30 days after the conclusion of the meeting of creditors</p>	
<p>10. Proof of claim</p> <p>Please do not file a proof of claim unless you receive a notice to do so.</p>	<p>No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.</p>	
<p>11. Creditors with a foreign address</p>	<p>If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p>	
<p>12. Exempt property</p>	<p>The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.</p>	
<p>13. Debtor electronic bankruptcy noticing</p>	<p>The U.S. Bankruptcy Court for the District of Maryland offers all parties the ability to receive court notices and orders via email, instead of U.S. mail. To participate, debtors must complete and file a DeBN request form with the Court -- additional information is available under Programs & Services at http://www.mdb.uscourts.gov. Other parties (non-debtors) can register at ebn.uscourts.gov.</p>	

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EXHIBIT 3



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
Eastern District of New York

TAJE MONBO and DEAFUEH MONBO

Plaintiff(s)

v.

Lofty Nathan; Red Gap Film Group, LLC; Vertical Entertainment, LLC;
Oscilloscope Pictures, Inc.; Oscilloscope, Inc.; Daniel Berger; Thomas
Sladek; Overbrook Entertainment, Inc.; Overbrook Entertainment, LLC;
Will Smith; Sony Pictures Entertainment, Inc.; Mission Film, Inc. and Eric Blair

Defendant(s)

CV 18-5930

Civil Action No.

DONNELLY, J.

BLOOM, M.J.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

PLEASE SEE NEXT PAGE FOR LIST OF DEFENDANTS
AND CORRESPONDING ADDRESSES FOR SERVICE
PURPOSES

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

PRO SE PLAINTIFFS:
TAJE MONBO DEAFUEH MONBO
P.O. Box [redacted] 10451 Mill Run Circle, # 400
Owing Mills, MD 21117 Owings Mills, MD 21117

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER

CLERK OF COURT

[Handwritten Signature]

Signature of Clerk or Deputy Clerk

Date: **OCT 23 2018**

EXHIBIT 4

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

Monbo, *et al.*,

Plaintiffs,

v.

Nathan, *et al.*,

Defendants,

Civil Action No.: 1:18-cv-05930-MKB-ST

**PLAINTIFFS' NOTICE TO THE COURT OF DEFENDANT
ERIC BLAIR'S CHAPTER 7 BANKRUPTCY CASE**

Plaintiffs, through their counsel, hereby inform this Court of a Notice of a Chapter 7 Bankruptcy Case (the "Bankruptcy Notice") received by Plaintiff Deafueh Monbo on February 26, 2019. The notice relates to Case No. 19-11083 with a filing date of January 28, 2019 and which names Defendant in this case Eric Blair as the Debtor.

Dated: March 4, 2019

Respectfully submitted,

/s/ Luiz Felipe de Oliveira

Joseph J. Zito

Luiz Felipe de Oliveira

DNL Zito Castellano

1250 Connecticut Ave., suite 700

Washington, D.C., 20036

Telephone: [REDACTED]

[REDACTED]

Attorney for Plaintiffs

Taje Monbo and Deafueh Monbo

EXHIBIT 5

1 APPEARANCES:

2 For the Debtor:

Susan Mays, ESQ.
JAMES R. LOGAN, P.A.
2419 Maryland Avenue
Baltimore, MD 21218

3

4

Also Present:

DEAFUEH MONBO, Pro Se
Creditor/Movant

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TAJE MONBO, Pro Se
Creditor/Movant

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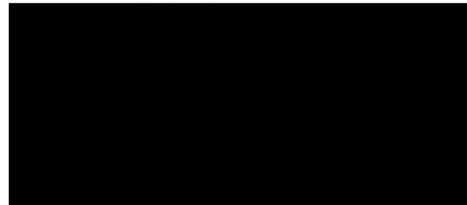
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18 Audio Operator:



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20 Transcript prepared by:



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24 Proceedings recorded by electronic sound recording; transcript
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25



1 APPEARANCES:

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JAMES R. LOGAN, P.A.
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Baltimore, MD 21218

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Creditor/Movant

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18 Audio Operator:



19

20 Transcript prepared by:



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24 Proceedings recorded by electronic sound recording; transcript
produced by transcription service.

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023

ERIC J. BLAIR

1 THE CLERK: You may be seated. And for the record,
2 would you please state your full name and address?

3 THE WITNESS: Deafue Monbo.

4 THE CLERK: And your address?

5 THE WITNESS: It's going to be P.O. Box [REDACTED] Bel
6 Air, Maryland 21014.

7 THE COURT: So Ms. Monbo, when we were last together,
8 I believe the last exhibit admitted into evidence -- and it
9 was while you were on the stand but as I say that's not always
10 necessary -- was the creditor matrix at Exhibit Number 18.

11 THE WITNESS: Okay.

12 THE COURT: So how would you like to start this
13 morning? Are you going to testify and then we'll allow Ms.
14 Mays to cross-examine and then you can redirect any issues
15 raised by Ms. Mays, or would you like to start with the
16 exhibits?

17 MR. MONBO: I can -- can I start by asking her some
18 questions?

19 THE COURT: That would be fine.

20 MR. MONBO: Okay. Great.

21 DIRECT EXAMINATION

22 BY MR. MONBO:

23 Q. So first of all, how you doing, Dee?

24 A. I'm fine.

25 Q. Can you tell me -- can you tell the Court your full name?

ERIC J. BLAIR

1 A. Deafue Monbo.

2 Q. And can you tell them your address, please?

3 A. It's P.O. Box [REDACTED], Bel Air, Maryland 21014.

4 Q. Okay. So do me and you share the same address?

5 A. No.

6 Q. Okay. In the last five years, have me and you shared the
7 same address?

8 A. No.

9 Q. In the last ten years, have me and you shared the same
10 address?

11 A. No.

12 Q. Okay. Awesome. So why did you think -- so I know we
13 have a lawsuit. We have a lawsuit with Eric Blair?

14 A. Yes, we have a lawsuit against him.

15 Q. Okay. Do you know why we sued Eric Blair?

16 A. Well, we sue Eric Blair for copyright infringement,
17 trademark infringement, and fourteen other -- other course of
18 actions. Actually, we sue him because the co -- co-creditor,
19 which is Taje, he owns the original copyright for 12 O'Clock
20 Boys to film, and Mr. Blair, which is the debtor, he infringed
21 on the copyright of the film and on the trademark of the film,
22 so we sued him -- he and his business partner -- for copyright
23 infringement, trademark infringement. And at this time, I
24 think we want to put, like, the -- the cover page of the --

25 Q. Lawsuit.

[REDACTED]

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ERIC J. BLAIR

1 THE COURT: -- if and when it goes forward.

2 THE WITNESS: Okay. Do you have any --

3 MR. MONBO: Yeah, I have one question.

4 THE WITNESS: Okay.

5 BY MR. MONBO:

6 Q. On that summons -- on that summons that was served to
7 Eric Blair --

8 A. Um-hum.

9 Q. -- what was my address listed on that summons? You know
10 the address?

11 A. Yes.

12 Q. And what's my address?

13 A. It was P.O. Box [REDACTED], Owings Mills, Maryland 21117, and I
14 think we have the summons into evidence. You have that?
15 Okay.

16 Q. So on his -- on his -- on his -- can you talk about why
17 you think -- did you see on his -- on his bankruptcy
18 application, did you see my address on there?

19 A. On the -- on the -- he didn't put your address on -- he
20 didn't do the (indiscernible) code of the P.O. Box -- the
21 address the P.O. Box [REDACTED], even though that was on the summons.
22 So I know we --

23 MS. MAYS: Objection. Your Honor, their Exhibit 18
24 is the mailing matrix and it shows the address used for both
25 movants as the witness' address. We'll stipulate to that.

ERIC J. BLAIR

1 THE COURT: Okay.

2 MS. MAYS: We've already been through that.

3 THE COURT: Okay.

4 THE WITNESS: So that address on the matrix is just
5 my address, it's not his address, and the summons has two
6 separate addresses. So I guess the debtor knew his address or
7 no information was sent to him at his address. So --

8 MS. MAYS: I'm sorry; I'm going to object to that.

9 Was that summons entered?

10 THE WITNESS: Yeah. So the summons was entered back
11 in July.

12 THE COURT: So the civil docket for the New York
13 action is entered as Exhibit 17.

14 Is that what you're referencing, Ms. Monbo?

15 THE WITNESS: Yes. Yes.

16 MS. MAYS: Oh, okay, I'm sorry. You are correct.

17 THE COURT: Okay.

18 MS. MAYS: My bad. It's sitting right in front of
19 me.

20 THE COURT: It's okay. Just so we're all on the same
21 page.

22 MS. MAYS: Okay.

23 THE WITNESS: So that is what I was referring to,
24 Exhibit 17.

25 MS. MAYS: Okay.

ERIC J. BLAIR

1 THE COURT: Got it.

2 THE WITNESS: Okay. So -- yes, you have another?

3 MR. MONBO: Yeah.

4 BY MR. MONBO:

5 Q. So why you think he didn't put my address on it?

6 MS. MAYS: Objection.

7 THE WITNESS: What reason?

8 MS. MAYS: Why does she think my client did or didn't
9 do something, I mean, that's speculation and it's not -- again
10 --

11 MR. MONBO: He had the address for --

12 MS. MAYS: -- maybe it's -- maybe it's appropriate
13 for --

14 MR. MONBO: I mean, he had the address. He had the
15 address, Your Honor.

16 THE COURT: So --

17 MS. MAYS: Maybe it's appropriate for argument, but
18 it's -- I mean, what is, what is, but there's speculation on
19 his motivation.

20 THE COURT: Okay. So let's do this.

21 THE WITNESS: Um-hum.

22 THE COURT: I will sustain the objection because, as
23 a matter of the Federal Rules you can't speculate --

24 MR. MONBO: Okay.

25 THE COURT: -- and you can never get into one's head

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

----- x
 IN RE: :
 :
 ERIC J. BLAIR, : Case No. 19-11083-MMH
 :
 Debtor, : (Chapter 7)
 :
 ----- x July 17, 2019

Baltimore, Maryland

HEARING

[18] Motion to Dismiss Debtor's Chapter 7 Case Pursuant to 11 U.S.C. Section 707(a) and 707(B) Filed by Deafueh Monbo and Taje Monbo.

[19] Motion for an Order Extending the Deadline for Creditors to File Complaints Objecting to Discharge Under and Pursuant to 11 U.S.C. Section 727 and FRBP Rule 4004(b) (1), Memorandum of Points and Authorities in Support Thereof Filed by Deafueh Monbo, Taje Monbo

[27] Response on Behalf of Eric J. Blair Filed by James R. Logan (related documents(s) 18 Motion to Dismiss Case Filed by Creditor, Deafueh Monbo, Creditor, Taje Monbo).

[28] Response on Behalf of Eric J. Blair by James R. Logan (related documents 19 Motion to Extend Time to Object to Discharge Filed by Creditor, Deafueh Monbo, Creditor, Taje Monbo).

BEFORE: THE HONORABLE MICHELLE M. HARNER, Judge

APPEARANCES: SUSAN MAYS, Esq.
James R. Logan, P.A.
2419 Maryland Avenue
Baltimore, Maryland 21218
On behalf of the Debtor

Proceeding recorded by electronic sound recording, transcript produced by transcription service.



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1 was that?

2 THE WITNESS: That's No. 14.

3 THE COURT: So that has been admitted and so
4 everything that has been admitted I will read and we are at
5 2:30 so we are going to have to stop. So let me say something
6 if you don't mind because I am trying to facilitate this trial
7 in a way that will allow me to make a decision on the merits,
8 that is the best I can make on the facts --

9 THE WITNESS: Okay.

10 THE COURT: -- offered into evidence.

11 THE WITNESS: Okay.

12 THE COURT: The documents that have been admitted
13 into evidence other than Exhibit 7 which was not admitted for
14 the truth of the matter asserted therein but was admitted as
15 being a snapshot or screenshot of the IMBD website but
16 everything else I will read everything on the page because the
17 document is the best evidence of what that exhibit says.

18 THE WITNESS: Okay.

19 THE COURT: And then you can argue in your closing
20 why that supports that your position but, again, I can only
21 make conclusions of law based on actual facts in the record.

22 THE WITNESS: Okay. And I want to say something
23 before I forget. So this is the matrix that is sent out.

24 THE COURT: Yes.

25 THE WITNESS: And the Creditor's address is not on

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1 it so I don't know if you need that into evidence.

2 THE COURT: No, I think we admitted as well as
3 Exhibit 18.

4 THE WITNESS: Yes.

5 THE COURT: Yes.

6 THE WITNESS: Exactly and his address is P.O. Box

7 [REDACTED] which we had on the summons but it didn't put his address.

8 So the other thing I want to say I know there is a process
9 where the Bankruptcy Court have a 2004, you know, that
10 process, 2004.

11 THE COURT: The will 2004 examination?

12 THE WITNESS: Yes, exactly, so like I say we know
13 he's getting money from this film because he's the --

14 MS. MAYS: Objection.

15 THE COURT: So wait a minute. So let's stay with
16 one thought at a time.

17 THE WITNESS: Yes.

18 THE COURT: So why do you raise Rule 2004?

19 THE WITNESS: Because if you say you need to see
20 actual contract of how -- how much percentage is he getting?
21 How much dollars is he getting? I want to get the contract
22 documents from --

23 THE COURT: Okay. So first of all, so Rule 2004 is
24 available to any party in interest prior to the commencement
25 of litigation.

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EXHIBIT 6

Re: Case # 19-11083 MMH

From: Dee Monbo [REDACTED]
To: zvi@zviguttman.com
Date: Saturday, April 6, 2019, 7:13 PM EDT

Dear Zvi

You have recieved the documents which shows Debtor Eric Blair has made false representation and omissions in his Petition for Bankruptcy. Please let us know if you as the Trustee will be filing an Adversary Complaint unbehalf of all the Creditors.

Also, when are you available to speak by phone this week.

Deafueh

On Sunday, March 31, 2019 10:28:21 AM EDT, Zvi Guttman <zvi@zviguttman.com> wrote:

Please email me the documents with a brief explanation of the issues and then we can talk. Thank you.

Zvi Guttman
(410) [REDACTED] cell
Please respond to Zvi@zviguttman.com
This was typed by full size fingers on a diminutive mobile device. Please excuse brevity, auto(in)correct and typos/grammatical errors.

On Mar 31, 2019, at 9:38 AM, Dee Monbo <[REDACTED]> wrote:

Dear Zvi:

I am one of the Creditors in the Chapter 7 case filed by Debtor Eric J. Blair.

I have uncovered some information that reveals that Debtor Eric Blair has made false representation and omissions in his Petition for Bankruptcy.

I have documents that I want to turn over to you and the Bankruptcy Court to examine the acts and conduct of the Debtor and deny the Debtor's discharge.

Please contact me at 410-[REDACTED]

Sincerely,
Deafueh Monbo

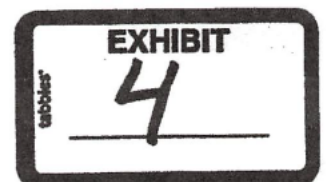


EXHIBIT 7

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

----- x
 IN RE: :
 :
 ERIC J. BLAIR, : Case No. 19-11083-MMH
 :
 Debtor, : (Chapter 7)
 :
 ----- x July 17, 2019

Baltimore, Maryland

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BEFORE: THE HONORABLE MICHELLE M. HARNER, Judge

APPEARANCES: SUSAN MAYS, Esq.
James R. Logan, P.A.
2419 Maryland Avenue
Baltimore, Maryland 21218
On behalf of the Debtor

Proceeding recorded by electronic sound recording, transcript produced by transcription service.



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ALSO PRESENT:

DEAFUEH MONBO

TAJE MONBO

Creditors

Audio Operator:

[REDACTED]

Transcription Company:

[REDACTED]

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I N D E X

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<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>For the Creditor:</u>				
Deafueh Monbo	25 (Ct)	--	--	--
Eric Blair	38	41	--	--
Deafueh Monbo	48 (Ct)	--	--	--

<u>EXHIBITS</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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1 it so I don't know if you need that into evidence.

2 THE COURT: No, I think we admitted as well as
3 Exhibit 18.

4 THE WITNESS: Yes.

5 THE COURT: Yes.

6 THE WITNESS: Exactly and his address is P.O. Box
7 [REDACTED] which we had on the summons but it didn't put his address.

8 So the other thing I want to say I know there is a process
9 where the Bankruptcy Court have a 2004, you know, that
10 process, 2004.

11 THE COURT: The will 2004 examination?

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13 he's getting money from this film because he's the --

14 MS. MAYS: Objection.

15 THE COURT: So wait a minute. So let's stay with
16 one thought at a time.

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18 THE COURT: So why do you raise Rule 2004?

19 THE WITNESS: Because if you say you need to see
20 actual contract of how -- how much percentage is he getting?
21 How much dollars is he getting? I want to get the contract
22 documents from --

23 THE COURT: Okay. So first of all, so Rule 2004 is
24 available to any party in interest prior to the commencement
25 of litigation.

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1 THE WITNESS: Right.

2 THE COURT: So the motions you filed have now
3 initiated what we call contested matters.

4 THE WITNESS: Okay.

5 THE COURT: Contested matters allow for the parties
6 to do discovery under the Federal Rules, primarily the Federal
7 Rules of Civil Procedure but that all should have been
8 conducted prior to getting to trial, getting to today.

9 THE WITNESS: Okay.

10 THE COURT: It is the Movant's burden to ask for
11 that discovery and be able to prove their case when they get
12 to their evidentiary hearing.

13 THE WITNESS: Okay.

14 THE COURT: So, you know, the Court cannot use Rule
15 2004 and parties who use it need to do it before invoking
16 litigation.

17 THE WITNESS: Okay.

18 THE COURT: And I would encourage you because I can
19 only state what the rules say. I cannot give legal advice but
20 to the extent, you know, you or Mr. Monbo have not consulted
21 an attorney, I would encourage you to do so.

22 I know they are expensive and no offense to
23 Ms. Mays, you know, I do know they cost money but they can be
24 hugely valuable in making sure you are protecting your rights
25 in a way that you think is best for you so I will just put

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EXHIBIT 8



Help Search History Titles Start Over

Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Title = 12 O'Clock Boyz

Search Results: Displaying 2 of 4 entries

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Labeled View

12 o'clock boyz.

Type of Work: Motion Picture

Registration Number / Date: PAu002610236 / 2001-08-24

Title: 12 o'clock boyz.

Description: Videocassette ; 1/2 in.

Copyright Claimant: Taje Monbo, 1975- a.k.a. Moe-Town, pseud.), Danielle Avent

Date of Creation: 2001

Authorship on Application: motion picture: Taje Monbo.

Names: Monbo, Taje, 1975-

Avent, Danielle

Moe-Town, pseud.

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