

IN THE COUNTY COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

CIVIL DIVISION

CASE NO.: 2023-029960-SP-25

ROY MILLER

Plaintiff, vs.

IVGENI LEVYTSKI et al,

Defendants.

**NONPARTY'S EMERGENCY MOTION TO STAY THE ORDER TO GODADDY /
SUCURI AND TO RESCHEDULE THE ZOOM HEARING**

Nonparty, BEN OREN ("OREN"), respectfully files this EMERGENCY motion to reschedule the Zoom hearing and to stay the order to GoDaddy / Sucuri.

1. On August 16th I was surprised to receive an order in my email stating that the my motion to quash the subpoena in question was denied due to lack of appearing to the hearing.

2. I did not know that there was a hearing in this case, because the plaintiff issued AN EXACT SUBPOENA in another case that he is managing at the same time against the same "defendants". The additional case number is 2022-045761-SP-25.

3. On September 6, 2023, there will be a Zoom hearing on the motion to quash that I filed in case 2022-045761-SP-25, regarding **the exact same subpoena that the plaintiff issued in this case**. The copy of the summons for the Zoom hearing of case 2022-045761-SP-25 is attached as exhibit A. The copy of the subpoena to which the Zoom hearing in case 2022-045761-SP-25 will refer is attached as Exhibit B.

4. On August 17, I called the office of the Honorable Judge's legal assistant, informed her of the manipulation done by the plaintiff and asked to reschedule the hearing. Obviously, there cannot be any legitimate justification to argue the same issue

in two separate cases. It is also clear that the plaintiff's only goal is to make sure that no one shows up for the hearings except him.

5. This plaintiff abuses the Florida legal system: In case 2022-045761-SP-25 he continues to identify himself as "Abi Roy Dubitzky", even though legally it is not his name since 2015 and even though in case 2018-004436-SP-26 an Order of Dismissal was issued that prohibits him from using the name Abi Roy Dubitzky (Attached as Exhibit C). In this case his name appears as "Roy Miller".

6. **All the plaintiff's motions in all his cases are always granted without any factual investigation and due misleading honorable judge.**

7. According to the subpoena in question, GoDaddy is required to produce Oren's personal information, which constitutes a serious violation of his right to privacy, for the benefit of a person he does not know and as a part of a case which Oren does not and has had no acquaintance with any of it's parties.

8. Oren opposes the subpoena in question and the demand compelling Sucuri/GoDaddy to provide any personal information of himself and his clients – none of whom are among the parties to this case – regarding the account to which the adubi.io domain belonged.

9. This motion to stay the order is essential: producing all the data required from the subpoena in question, regarding Oren's account, causes a serious and unjustified violation of the right to privacy of Oren and his customers: **Communications between non-parties** (as requested) **are protected by the right to privacy in Florida. The right to privacy is a fundamental right that is protected by the Florida Constitution** (Article I, Section 23). The right to privacy protects individuals from unreasonable searches and seizures, and it also protects individuals from having their personal information disclosed without their consent.

10. **Financial information requested, including billing details etc.**, is also protected by the right to privacy in the Florida Constitution.

11. **Names of customers; email addresses of third parties who are non-parties to the case; their phone numbers; IP addresses and correspondence with them are all protected and confidential data.** Transferring this information to plaintiff will cause a serious violation of the right to privacy of Oren and his customers and will not serve any legitimate interest of plaintiff.

12. The right to privacy also protects the requested data regarding any correspondence between Oren and third parties who are non-parties to this case and Sucuri / GoDaddy regarding the start and stop of the service and the dates when these events occurred.

13. **Fraud of the court in itself justifies the annulment of the order.** If the honorable judge will decide to stay the order, the unjustified violation of rights will already be caused and it will be caused entirely to third parties to this case.

14. If so, there are countless legal grounds for quashing the subpoena, such as **lack of relevance and privilege.** Since the subpoena demands personal information of Oren, who is a third party, it's clearly violating Oren's privacy rights.

15. Wherefore, I will respectfully ask the honorable court to grant my emergency motion to stay the subpoena to GoDaddy/Sucuri. I will also request to reschedule a new Zoom hearing, considering the complex circumstances of this case, the plaintiff's abuse of the legal system, as well as the fact that I am a citizen of a foreign country who is not represented by an attorney.


BEN OREN

Email Address: benoren555@walla.co.il

Exhibit “A”

**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CIVIL DIVISION CASE NO.:

2022-045761-sp-25

Avi Roy Dubitzky
Plaintiff,

vs.

Ben Oren (Tel-Aviv, Israel)
3rd Non-Party

ZOOM/VIRTUAL
NOTICE OF HEARING

Ben Oren's motion to quash the subpoenas to Go Daddy Media Temple Inc.
Docket numbers 58 and 31.

YOU, Ben Oren, ARE HEREBY NOTIFIED that a hearing on the above cause is scheduled for 15 minutes on September 6th 2023, 9:30 am Eastern Standard Time (USA and Canada) in Judge Patricia Marino Pedraza's virtual Court Room. You must provide your own interpreter for the hearing. The court will not provide you with one.

To join the meeting, you must use the following link:

Join Zoom Meeting

<https://zoom.us/j/92724457651?pwd=V1VyNHd4Y3hDbjZBSno2YTQ1QWdmdz09>

Meeting ID: 927 2445 7651

Passcode: 779796

Virtual Court is held remotely on the Zoom platform. You will receive an email from the Court with the information you need to connect to your event by video or phone if you are on the E-Filing Portal service list. If you do not receive an email, check the judge's webpage for the Zoom link to their virtual courtroom or further instructions. You may also register for text notification via link <https://cmap.jud11.flcourts.org/ebench/textNotificationsRegistration.jsp>.

IT IS THE RESPONSIBILITY OF THE SCHEDULER TO PROVIDE TIMELY NOTICE OF THE ZOOM MEETING DETAILS TO ANY PARTY NOT REGISTERED ON THE E-FILING SERVICE PORTAL.

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that the original A true and correct copy of the above notice was e-mailed to the party below on **April 15, 2023**.

To: Ben Oren (address unknown) email listed Benoren555@walla.co.il +972527919294

Respectfully filed by: Roy Miller – Plaintiff.

If you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Alean Simpkins, the Eleventh Judicial Circuit Court's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Ave., Suite 2400, Miami, FL 33128, Telephone (305) 349-7175; TDD (305) 349-7174, Fax (305) 349-7355, Email: ADA@jud11.flcourts.org at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711.

Exhibit “B”

<input type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA. <input checked="" type="checkbox"/> IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.		
DIVISION <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> FAMILY <input type="checkbox"/> DISTRICTS <input type="checkbox"/> OTHER	SUBPOENA DUCES TECUM WITHOUT DEPOSITION (a) When Witness Has Option To Furnish Records Instead of Attending Deposition, Issuance by Clerk.	CASE NUMBER 2022-045761-SP-25
PLAINTIFF(S)/PETITIONER ROY MILLER	VS. DEFENDANT(S)/RESPONDENT Levyski Ivgenti and George M. Rodriguez	SERVICE
STATE OF FLORIDA: TO: Go Daddy Media Temple Inc YOU ARE COMMANDED to appear at <u>6220 SW 84th St Miami, FL 33143</u> and to have with you at that time and place the following: <u>on 6/20/2023 9am</u> <u>see Sched. A</u> These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena.		CLOCK IN
THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN. If you fail to: (1) appear as specified, or (2) furnish the records instead of appearing as provided above, or (3) object to this subpoena, you may be in contempt of court. You are subpoenaed to appear only if you are a party, or the attorney, and unless excused from this subpoena by this attorney or the Court, you shall respond to this subpoena as directed.		
LUIS G. MONTALDO CLERK AD INTERIM	BY: 	DATE JUN 06 2023
Attorney for: <u>Roy Miller pro se</u> Address: <u>6220 SW 84th St</u> <u>Miami, Florida 33143 786-327-4973</u> Florida Bar No. _____	(Court Seal)	
AMERICANS WITH DISABILITIES ACT OF 1990 ADA NOTICE "If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Alean Simpkins, the Eleventh Judicial Circuit Court's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1 st Ave., Suite 2400, Miami, FL 33128, Telephone (305) 349-7175; TDD (305) 349-7174; Email ADA@jud11.flcourts.org ; Fax (305) 349-7355 at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711."		

Schedule A

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR MIAMI DADE COUNTY, FLORIDA
Case 2022-045761-sp-25

Roy Miler
individually, Plaintiff,

v.

Defendants:
Ivegni levytski et al

Defendants,

SUBPOENA DUCES TECUM TO
Go Daddy Media Temple Inc

TO: Go daddy Media Temple inc
12655 West Jefferson BLVD Los-Angeles, CA 90066
Csc Lawyers Incorporating Service
2710 gateway oaks drive, suite 150n, Sacramento Ca 95833
Fax 480-624-2546

ARE COMMANDED to make available at the office of Roy Miller., located at 6220 sw 84th st
Miami, Florida, 33143, on or before June 20, 2023, all of the following documents in your possession,
custody, or control:

DEFINITIONS:

1. "Communications" shall mean any transfer or exchange of information between two or
more persons, whether by written or oral means, including, but not limited to, personal conversations,
correspondence, telephone calls, electronic mail, letters, notes. This definition includes all communications
for which you claim a privilege.

2. "Document" shall mean, in addition to its common meaning, emails, electronic mail, text
messages, correspondence, memoranda, filings, contracts, agreements, financial documents. Invoices,
receipts, electronic documents, on line documents, electronic or non-identical copy of the foregoing,
including those which have notations and writings that do not appear on the originals, now or formerly in
the actual or constructive possession, custody or control of you, or your representatives or agents.

DUCES TECUM

For the time period January 1, 2022 to the date of your production, please produce the following:

- 1. All communications and Documents related to opening an account for
the web site <https://adubi.io>, <https://barburi.com> all of which are using or
have used Sucuri services.

2. All communications related to billing for services rendered.
3. Customers' names, email address, address, phone numbers and methods of payments and IP addresses when logging into the account and any conversations with customer service.
4. Communication that led to ending the service provided whether it be at the customer's request or your request.
5. Date the service started and date it ended.

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena by email or mail on or before the scheduled date of production. You may condition the preparation of the copies upon payment in advance of the reasonable cost of preparation. You may mail or deliver the copies to Roy Miller at 6220 sw 84th st Miami, Florida 33143 as it appears on this subpoena and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the undersigned whose name appears on this subpoena.

If you fail to: (1) appear as specified; or (2) furnish the records instead of appearing as provided above; or (3) object to this subpoena; you may be in contempt of Court. You are subpoenaed to appear by the following Plaintiff and unless excused from this subpoena by the Plaintiff or the Court, you shall respond to this subpoena as directed. Your deposition will not be taken at this time.

FOR THE COURT

Dated: June 7, 2023.

By: /s/ Roy Miller *Roy Miller*

Roy Miller
 E-mail: Roy@millernt.com
 6220 sw 84th st Miami, Florida 33143
 786-327-4973

Exhibit “C”

IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO: 2018-4436-SP-26

SECTION NO: (04)

CIVIL DIVISION

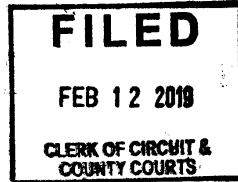
ABI ROY DUBITZKY,

Plaintiff,

vs.

ELAD LAZMI, individually,

Defendant.



ORDER VACATING ORDER STRIKING PLEADINGS
AND ORDER OF DISMISSAL

THIS CAUSE came before the Court for routine case management review on February 12, 2019. The Court is also in receipt of Plaintiff's Motion for Entry of Final Judgment filed February 6, 2019. The Court having reviewed the pleadings, orders, documents filed by the parties, and being otherwise apprised in the premises, hereby enters the following ruling.


WHEREFORE, IT IS ORDERED and ADJUDGED that the Order Striking Pleadings rendered February 5, 2019 is hereby **SET ASIDE and VACATED** in all respects, as having been entered in error.

IT IS FURTHER ORDERED that this matter is **DISMISSED with prejudice**.

Respectfully, the Court finds that Plaintiff, Abi Roy Dubitzky does not have legal standing to bring this cause of action, as he legally changed his name to Roy Miller on February 4, 2015 (See attached Ex. "A" – Final Judgment of Change of Name rendered February 4, 2015). Roy Miller is the only individual that has legal standing to maintain this cause of action for alleged defamation.

Moreover, the specific allegations contained in the Statement of Claim filed on May 2, 2018 by Plaintiff, Dubitzky related to alleged defamatory acts by Defendant, Lazmi, all of which occurred at times *after the above referenced name change of Plaintiff to Roy Miller*.

DONE and ORDERED in chambers, at South Dade Justice Center, Miami-Dade County, Florida, this 12th day of February, 2019.



LAWRENCE D. KING
County Court Judge

Copies furnished to all parties.

Roy Miller, formally known as Abi Roy Dubitzky, Plaintiff, *pro se*
2016 Bay Road
Miami Beach, Florida 33140

Elad Lazmi, Defendant, *pro se*
Derech La Merchav 526/9
Pardes Hana, Israel 37110

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

IN RE: CHANGE OF NAME
OF:

Abi Roy Dubitzky
Petitioner.

FAMILY DIVISION

CASE NO. 2014-030261-FC-04

Section: 39

**FINAL JUDGMENT OF CHANGE OF
NAME (ADULT)**

_____ /
THIS CAUSE was heard on the Petition for Change of Name, and the Court having heard the testimony of the Petitioner, and being fully informed in the Premises, it is

ADJUDGED that said Petition hereby is granted, and **Abi Roy Dubitzky** hereafter shall be known by the name of **Roy Miller** and it is further

ADJUDGED that the Clerk of the Court hereby is directed to report this Final Judgment for Change of Name to the Department of Rehabilitative Services of the State of Florida.

DONE and ORDERED in Chambers at Miami-Dade County, Florida, on this the 4th day of February, 2015



DAVID C. MILLER
CIRCUIT COURT JUDGE

Ex. "A"

IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

SMALL CLAIMS DIVISION

CIVIL DIVISION

CASE NO: 2018-004436-SP (26) (4)
SECTION NO: ~~SP~~

Abd Roy Dobitzky vs. Lazmi, Elhad
Plaintiff(s) Defendant(s)

FILED
FEB 05 2019
CLERK OF CIRCUIT &
COUNTY COURTS

ORDER GRANTING/DENYING

THIS CAUSE came before the Court on the 5 day of February, 2019.

on PLAINTIFF'S/DEFENDANT'S Motion to Show Cause

_____ and after hearing argument of counsel, it is

ORDERED AND ADJUDGED:

Pleadings are Stricken, Plaintiff may file motion for
Default Judgment.

DONE AND ORDERED IN MIAMI-DADE COUNTY, FLORIDA THIS 5
DAY OF February, 2019.

[Signature]
COUNTY COURT JUDGE

Copies furnished to
Parties / Counsel of Record
117.01-207 10/03

By Hand
to Plaintiff
By U.S. Mail to
Defendant.