

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

CASE NO: 2022-045761-sp-25

JUDGE: Patricia Marino Pedraza

Dubitzky aka R. Miller /Plaintiff

Ivgeni Levytski, George M. Rodrigez et all/ Defendant(s)

Affidavit of Attorney Tomer M. Israel in support of Plaintiffs motion to deny Guy Tsabary's motion to stay Default Judgment, Quash Subpoena issued to Google and Injunction against Plaintiff from taking any further action against Tsabary.

In response to Emergency Motion # 74.

1. Please see attached Affidavit from Tomer M Israel, an Israeli Attorney, who is acquainted with the past proceedings in which Guy Tsabary initiated against the Plaintiff.
2. Mr. Tsabary has been on a rampage for years trying to Defame Plaintiff legally with frivolous motions and lawsuits in Israel. As his attempts to legally do so have failed time and time again he has resorted to using third parties to do his dirty work.
3. Plaintiff will submit an additional affidavit prior to the hearing which will shed light on other actions taken by Mr. Tsabary together with Defendant(s) in this case.
4. Plaintiff believes that after reviewing the evidence and hearing Mr. Tomer Israel's testimony the court will deny Tsabary's motion due to the evidence and the details response as outlined in responses noted on the docket numbers 71 and 75.

\_\_\_/s/ Plaintiff \_\_\_\_\_

Copies provided to:

Daniel Zaltsman – Attorney for Guy Tsabary : dan@nizahonpa.com

**Affidavit to the court**

**IN THE MATTER Of case 2022-045761-sp-25 Dubitzky vs. Levytski, at all**

**I, Tomer M. Israel, do hereby solemnly affirm and declare as under:**

1. I have been a lawyer since 2012, have a master's degree (LLM) in law and am in good standing in the Israeli Bar Association. (License number 61014)

2. I have represented Mr. Dubitzky in Israel for the past seven years, pro bono.

3. During this period I have represented Mr. Dubitzky and others in several matters, some of them pertain to websites that contain egregious defamation against him, against attorneys who have represented him, and against private individuals by various websites that come and go. They are all a target, as well as I am, related to their voluntary activity of protecting children from sexual abuse. The websites are listed in his claim in this case.

4. During these proceedings in Israel, several cases presented evidence that implied Attorney Mr. Guy Tsabary was involved in the publication of these websites and their contents.

5. Also, although Mr. Tsabary will not state on the record that he is not involved in any such defamation, I think his activism to defame Mr. Dubitzky is evident in his actions. Mr. Tsabary usually uses the defenses from defamation on court documents. He invents about Mr. Dubitzky, such as he is a "pedophile," and lately even claimed in court pleadings that Mr. Dubitzky is "responsible for sexual abuse within his family in the State of Florida and is under investigation there.

6. The following is a list of cases heard in Israel where I represented Mr. Dubitzky or others and their outcome was that Mr. Tsabary was involved in the party directly by his actions or by others which were noted.

A. Case 36517-03-19, Adv. Tsabary asked to be appointed as a trustee in a proceeding he conducted on behalf of his clients in a bankruptcy action against Mr. Dubitzky. Adv. Tsabary also attempted to sanction some lawyers that represented Mr.

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# תומר ישראל

עו"ד

Dubitsky. When all his requests to the court were rejected, he even appealed to the Supreme Court, but his appeal was denied.

- B. Case 62256-02-16. Adv. Tsabary with Adv. Doc tried to overturn an order that did not allow the publication of certain statements against Mr. Dubitzky. Some of the statements appeared on the lawyers' websites, the request was rejected, and the judge ordered them to remove them.
- C. Case 20241-06-19. Adv. Tsabary assembled with Adv. Asaf Dok and both personally petitioned the court for a declaratory judgment to permit the publication of defamatory statements against Mr. Dubitzky, but the motion was denied.
- D. Case 52291-09-19. In a Defamation case, I represented Plaintiffs Mr. Dahan and Mr. Primat against Mr. Ivgeni Levitski. Mr. Levitski answered the claim and said Mr. Guy Tsabary was the one who hired him. (See attached exhibit "A" on the court docket) a Judgment was entered against Levitski in Israel.

This lawsuit deals with about nine websites closed by court order. Despite this, and after the sites have been closed, they still reappear in different places over and over with the same content.

- 7. I am an acquaintance of Mr. Dubitzky. With my professional expertise, I can testify that the content of the above websites is primarily untrue, damages Mr. Dubitsky's good name, and constitutes defamation. To my knolege these websites are hosted in Moldova with Alexhost.com and have previously been hosted with companies that do not comply with US or Israeli law and court orders issued by these countries.

**This is my name, this is my signature and the content of my affidavit is true.**

*Tomer M. Israel*  
Tomer M. Israel

I, the undersigned, Moshe Karmi, Adv. hereby confirm that Mr. Tomer Israel appeared before me at my office, identified himself to me by his ID, and after I warned him that he must declare the truth and any failure to declare the truth will be punishable by law, he has confirmed the accuracy of the above statement and signed it.

21.8.23

Date



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