

In the county court of the 11th judicial circuit in and for Miami-Dade County,
Florida

Case no: 2022-045761-sp-25

Section CG03

Judge: Patricia Marino Pedraza

Plaintiff: Avi Roy Dubitzky

Vs

Defendants: Ivgenti Levytski, et al

Plaintiff response to 3rd Party “Ben Oren” to quash the subpoena issued to GoDaddy Media Temple Inc regarding service provided to the websites, which violated two separate final judgments.

The honorable court is requested to deny Ben Oren’s motion to quash the subpoena issued to Go Daddy Media Temple In. on June 26, 2023, for the following reasons:

1. Ben Oren is a fictitious individual trying to undermine the integrity of the judicial process, he does not exist, and no one by that name with a valid identification will appear at the hearing on the Zoom call will a valid identification by this name, certainly one the works in the cyber security field that does not know English. English is a second language in Israel, and anyone if this field must know basic English. Plaintiff has conducted a meticulous investigation and has proof that Mr. Guy Tsabary from Israel is behind this motion. Shlomo Nizahon inquired into the proceedings of this case earlier this month hence he has come in connection to the defendants or “Ben Oren,” and is actively following this case.
2. Mr. Tsabary hired the Defendants to harass Plaintiff and post defamatory content about him online; Plaintiff believes that the answer to the subpoena will prove exactly that.
3. Defendant number one admitted to being hired by Mr. Tsabary in the past during a hearing held before Judge Marilyn Millian.
4. Plaintiff hoped that after this hearing, Defendant would cut his ties with Mr. Tsabary, but evidently, this is not the case.

5. Plaintiff, since then, has obtained a second judgment against Defendant and his partner George M. Rodriguez.
6. In this case, they have been ordered to remove the websites in question. Instead, they have republished them on another website, and Plaintiff has obtained a second judgment against the contents of the new website in case 2023-29960-sp-25.
7. The Defendants continue to violate two final judgments, not appearing to hearings and populating the docket with hearing after hearing to enforce a simple judgment they should have complied with last year.
8. Since they are not complying with the Judgment, Plaintiff has taken steps to enforce it. One of these actions was to subpoena Go Daddy media temple Inc., a company providing services to the websites mentioned in the Final Judgments.
9. Plaintiff did not request confidential information such as the client's date of birth or social security number. The information requested is basic information that Go Daddy collects when opening a new customer account—E-mail, IP address, name, phone number, billing address, payment method, and basic communications.
10. The Customer/s of “Go Daddy” actively violated the final judgments in 2022-045761-sp-25 and 2023-29960-sp-25 and now are requesting the court to order Go Daddy to conceal their information using a motion filed by a fictitious person from Tel-Aviv, Israel.

It is vital to provide accurate information to the court, and the consequences of accepting motions by a fake individual seeking to obstruct justice are paramount.

“Ben Oren,” knows Plaintiff’s claim that he does not exist. Until now, according to Florida rules, he has not provided a valid mailing address or phone number where he can be reached. Mr. Oren has been filing all his motions by accessing the E-Portal using a VPN and a local Miami internet IP address. Plaintiff has obtained a business records affidavit from Elizabeth L. Allman a senior administration from the Florida Courts E-Filing Authority which will list the IP addresses of “Ben Oren” when he filed his objections.

The courts have established procedures to balance the right to privacy with the need for fair and just legal proceedings. Subpoenas are essential for gathering evidence and ensuring the proper administration of justice. If the Defendants or any individual assisting them in obstructing justice don’t want their information revealed, they should not engage in activities that undermine two court orders.

11. The right to privacy is not absolute. The court has the authority to evaluate the legitimacy of a natural person’s claims and weigh them against other interests, such as the pursuit of truth and the administration of justice.

12. There are several cases in which motions not to reveal individuals' identities were denied (Sony Music Entertainment Inc. v Does 1-40. The subpoena was seeking the identities of anonymous individuals accused of copyright infringement. The court ruled that the Plaintiffs had shown prima facie of copyright infringement and the defendant's First Amendment right did not outweigh the need to enforce copyright law. Yelp Inc. V. Hadeed Carpet Cleaning Inc. - The court denied a motion to quash a subpoena seeking the identities of anonymous Yelp reviewers. The court held that the plaintiffs had established a legitimate claim against the anonymous reviewers, and their right to seek redress outweighed the reviewers' right to remain anonymous.
13. It is evident that the "Ben Oren" persona is used to cover up information relevant to enforcing this judgment. The Defendants have gone to great lengths to obstruct justice; once a court enters a judgment days later, they publish a new website to circumnavigate the "sanctions" imposed, which is just another ploy in one of many. Plaintiff believes that if and after Go Daddy is required to submit the requested information, more details will be available to enforce the judgments issued in this case and case 2023-09960-sp-25 and most likely in bringing the defamation campaign against Plaintiff to a conclusion.
14. It should be noted that the e-mail Ben Oren provided has no official notarization to confirm its authenticity or translation because that would require 'Ben Oren' to identify himself before a notary in Israel and a court official in order to be authenticated.

_____/s/_____

Plaintiff

Certificate of service:

Copies were provided to: Ben Oren – via e-mail @
Benoren555@walla.co.il