

IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY, FLORIDA
CASE NO: 2022- 045761-SP-25 SECTION: CG01

Roy Miller

Plaintiff(s) /

Ivgeni Levytski

George M. Rodrigez et al

Defendant(s) /

Respondent: Attorney Guy Tsabary

_____ /

Plaintiffs motion to strike all motions submitted by Mr. Guy Tsabary with prejudice and sanction him for committing Fraud on the Court

I. Background

1. Mr. Guy Tsabary is an attorney living in the State of Israel. His practice in Israel revolves around representing sexual predators. His name in Hebrew is written as גיא צברי and his office e-mail is guy@tsabary-law.co.il.

2. Mr. Guy Tsabary is represented by Attorney Daniel Saltzman and Shlomo Nizahon, both licensed in the State of Florida since 2018.
3. The issue of this motion revolves around several subpoenas issued to GoDaddy Media Temple Inc., which would reveal the identity of an individual behind a defamation campaign waged against the Plaintiff since 2018 and the attempts made to quash subpoenas by illegal means by Mr. Guy Tsabary.
4. Mr. Guy Tsabary illegally and willfully committed Fraud on the Court. He impersonated a third party, stole his identity to make up a fictional character, registered a user in the Florida E-Portal under his name using a phone number that does not belong to the individual, entered a random address in Israel, and an e-mail that was set up expressly for such purpose.
5. The person he impersonated is Mr. Ben Oren, a 62-year-old man living on Kibbutz Saad in Israel, and his phone number is +972505600166.
6. Guy Tsabary filed motions to quash subpoenas using Ben Oren's name. During the only hearing "Ben Oren" appeared, Tsabary dared to broadcast a video of a person claiming to be Ben Oren. He provided the Israeli social security number and date of birth of Ben Oren, whose identity was stolen, while broadcasting a video of a Nicholas Cage look alike and talking through a voice synthesizer.

7. After all the fraudulent motions were denied, GoDaddy provided the name of the individual who purchased their services, Mr. Guy Tsabary. These services were designed to mask the I.P. address of the websites that contained the defamatory statements, statements which four judges deemed as defamatory.
8. During the months that the fraud was perpetrated, Mr. Guy Tsabary and his attorneys filed several motions, during which they claimed he was not a party to the dispute between the plaintiff and the defendants.

II. The acts of fraud on the court that Mr. Guy Tsabary committed

9. Mr. Guy Tsabary registered with the Florida E-portal under a false name to carry this out. He registered his name as Ben Oren and provided a false phone number, a burner phone, a false address, and an email to receive notices. He used a virtual private server to mask the Internet protocol address. The user number is 579756, and it is under the name of Ben Oren, email benoren555@walla.co.il, address: Zangvil 1, Tel Aviv, Yafo, Israel, phone +972527919294.

In doing so, Mr. Guy Tsabary has committed fraud on the court to impede the judicial process.

After registering Ben Oren and confirming his e-mail address on the E-Portal

system, the following fraudulent documents were filed in:

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- a. April 13th, 2023, Mr. Tsabary filed using the Ben Oren identity a motion titled NONPARTY’S OBJECTION NOTICE AND MOTION TO QUASH SUBPOENA DUCES TECUM WITHOUT DEPOSITION. (Filing #170984967)

In this document, he continued to commit fraud on the court by claiming to be a Nonparty specializing in information security and protection against cyber-attacks. He claimed he did not know the parties in the case and digitally signed the document as “Ben Oren.” Plaintiff had the hearing set for April 25, 2023.

- b. April 21st, 2023, Mr. Tsabary, as Ben Oren, objected to the hearing date set for April 25th, 2023, again claiming that he is an Israeli citizen named Ben Oren. He claimed his English is poor and needs an interpreter to translate in real-time. (Filing 171546980)

In this filing, he continued to commit fraud on the court by falsely claiming that he is Ben Oren, doesn’t speak English, and needs an interpreter. This delay tactic prevented the court from ruling on the motion to quash.

- c. May 17th, 2023, Mr. Tsabary filed as Ben Oren filed an additional objection to a subpoena issued to GoDaddy claiming that the “plaintiff is trying to take

advantage of the procedure for a "fishing trip" that is not related at all to this case and the parties to this case." (Filing 173400743)

In this filing, he continued to commit fraud on the court by falsely claiming that he was Ben Oren. This delay tactic prevented the court from ruling on the motion to quash.

- d. June 12th, 2023, Mr. Tsabary, as Ben Oren, filed an additional objection to a subpoena issued to GoDaddy as Ben Oren. (Filing 175138192)

In this filing, he continued to commit fraud on the court by falsely claiming that he was Ben Oren. This delay tactic prevented the court from ruling on the motion to quash.

On June 21, 2023, Plaintiff filed a response to the motion naming Mr. Guy Tsabary as potentially being behind these fraudulent court filings. Mr. Tsabary followed the case using lawyer Sholomo Nizahon, as noted in a notice the Plaintiff submitted to the court (Filing 174185076) on May 30, 2023.

- e. On June 23, 2023, Mr. Tsabary filed a motion to vacate the judgment and requested an injunction to prevent the Plaintiff from requesting further subpoenas in an emergency motion filed on August 9, 2023 (Filing 179272654) and August 29, 2023 (Filing 180743960)

Mr. Tsabary did not mention in his filings that he was behind the Ben Oren fillings and chose to ignore the whole saga. The sole purpose of these motions was to delay the proceedings and obstruct justice.

- f. On September 6th, 2023, in his last attempt to quash the subpoena after all delay tactics were exhausted, Mr. Tsabary, as Ben Oren, attempted to commit the ultimate fraud on the court by projecting a video of Nicholas Cage wearing headphones and having an English speaker talk in synch with the video. Judge Patricia Marino Pedraza requested to see a form of identification, and after one was not provided, asked the person projected in the Zoom meeting his date of birth. The individual said his date of birth was July 9th, 1962, and gave an Israeli identification number, 058825167. When asked when his identification was issued (a date not public information printed on the identification card), he refused to give the date. When asked if he was married, he said no and had no children. Judge Pedraza, Plaintiff, and Attorney Tomer Israel noticed that the video projected was not synched with the speech, and everyone realized that this was an artificial video and a voice going through a synthesizer. The motion was denied, and Judge Pedraza noted in the memorandum of disposition the letters A.I.?

All these filings were done using the E-Portal while using a Virtual Private Network to mask the Internet Protocol address.

- g. On September 26, 2023, Ben Oren did not appear, nor did anyone on his behalf, and the last hurdle to obtaining the information from GoDaddy was cleared.

III. GoDaddy's answer to the subpoena.

10. GoDaddy confirmed Attorney Guy Tsabary's involvement in the above case despite his adamant stance that he is a Nonparty. GoDaddy confirmed that Mr. Tsabary paid GoDaddy from his PayPal account for the services to mask the identity of the websites that contain the defamation. Mr. Tsabary used his office e-mail to open his account with GoDaddy. Other documents confirm that Attorney Guy Tsabary is tied directly to the Ben Oren persona.

IV. Conclusion

11. Guy Tsabary committed Fraud, Identity Theft, Forgery, and Fraud on the Court.
 - a. Fraud on the Court – Mr. Guy Tsabary set in motion an unconscionable scheme calculated to interfere with the judicial system's ability to adjudicate a matter by hampering the presentation of plaintiff's claim that the subpoenas should be enforced. Mr. Tsabary's false and misleading statements concerning issues central to the case amounted to fraud. See

Cox v. Burge, 706 So. 2d 43, 47 (Fla. 5th DCA 1998). His actions are substantive and not merely an omission of facts.

- b. Fraud – Mr. Tsabary committed Fraud by stealing Ben Oren’s identity to deceive Plaintiff and the Court for his gain intentionally. He was terrified that his involvement in the websites listed in the Final Judgment would come to light. He did everything in his power to prevent that.
 - c. Identity theft – Mr. Guy Tsabary used the identity of a foreign citizen (Ben Oren) to file several motions in the Miami Dade, Florida court using its E-Portal. He repeatedly said he was Ben Oren, signed his name to motions, and tried to pass off as Ben Oren in the courtroom for 15 minutes. He provided Mr. Ben Oren’s personal identification number and Date of Birth to convince the court that he was real and had a legitimate argument to be heard.
 - d. Forgery – Mr. Guy Forged the signature of Ben Oren on a pleading to gain a possible outcome where his motion would be accepted and the subpoena would be quashed.
12. Guy Tsabary is not the average litigant, but a licensed attorney in Israel knows the legality of his actions and possible implications. He should have known better. His efforts were made to cover up his involvement in preventing court judgments from being enforced. Guy Tsabary acted in bad faith, causing the

Plaintiff an improper delay in receiving the information from GoDaddy; he abused every aspect of the Miami Dade County Judicial system from the other side of the world, knowing criminal actions could not be taken against him. The fabrication of Ben Oren was explicitly designed to wreak havoc on the docket and fraudulently obtain an outcome he did not deserve while masking his identity and committing Fraud on the Court. The integrity of the civil litigation process depends on truthful disclosure of facts. A system that relies on an adversary's ability to uncover falsehoods is doomed to failure, so this kind of conduct must be discouraged in the strongest possible way. Courts throughout this state have repeatedly held "that a party guilty of fraud or misconduct in the prosecution or defense of a civil proceeding should not be permitted to continue to employ the institution it has subverted to achieve his ends.

13. Therefore, Plaintiff respectfully requests that the court sanction Mr. Guy Tsabary as it deems fit and necessary after an evidentiary hearing and strike his motions to quash the subpoena issued to Google, his motion for an injunction, and vacating any part of the judgment entered in this case.

____/s/____

Plaintiff

Certificate of service

I hereby certify that copies of this motion have been electronically served to:

Guy Tsabary, aka Ben Oren, and Attorney Daniel Saltzman, his attorney.

Copies furnished: Benoren555@walla.co.il

Guy@tsabary-law.co.il

dan@nizahonpa.com