

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

CASE NO: 2022-045761-SP-25

SECTION: CG03

AVI ROY DUBITZKY Plaintiff(s) / Petitioner(s)

vs. IVGENI LEVYTSKI ET AL Defendant(s) /

Plaintiff's Response to NON-PARTY GUY TSABARY'S MOTION TO VACATE
PARTIAL INJUNCTION IN DEFAULT FINAL JUDGMENT

Plaintiff respectfully requests the court to deny the motion filed by non-party GUY TSABARY LAW OFFICE to vacate this court's Default Judgment for Injunctive relief and, in support thereof, states the following:

1. The non-existent entity, Guy Tsabary Law Office, lacks the legal capacity to bring a claim or file a motion. Legal proceedings can only be initiated by individuals or legally recognized entities such as corporations, organizations, or government bodies. As such, the court lacks jurisdiction over a non-existent entity and an individual misrepresenting such an entity. It is unclear whether Guy Tsababry or Guy Tsabary Law Office is the movant.
2. The final judgment lists several websites containing egregious defamation controlled by the Defendants. Under oath, Mr. Guy Tsabary cannot state that he has no knowledge of the individuals behind the websites listed in the judgment or that he is not involved in their maintenance or contents. Interestingly, the movant fails to specify the blacklisted websites by Google.
3. The motion to vacate provides extensive reasoning behind GUY TSABARY LAW OFFICE's request but lacks specificity in stating the specific relief sought. More detailed and specific content is necessary to ensure clarity for the opposing party and the court.

4. Mr. Guy Tsabary, on behalf of GUY TSABARY LAW OFFICE, does not seek intervention in the proceedings (section 14) but rather aims to dissolve the portion of the injunction related to the websites in question. What are the websites in question?
5. GUY TSABARY LAW OFFICE claims to have suffered damages, including diminished access to the websites in Google searches resulting in financial losses, embarrassment, defamation of character, and attorney's fees incurred. These claims are baseless and unfounded with no merit. However, if GUY TSABARY LAW OFFICE had communicated its concerns to Plaintiff and provided the necessary information for examination, an amicable resolution could have been reached. Unfortunately, no such request was made before filing this motion; however, other inquiries were made regarding this case by attorney Shlomo Nitzahon as noted previously on the docket (#49)
6. The court cannot speculate about the websites that GUY TSABARY LAW OFFICE intends to exclude from the Final Judgment. GUY TSABARY LAW OFFICE has failed to identify specific websites it owns nor has it distanced itself from the other websites listed in the judgment. Movant has not proved it is a legal entity by attaching articles of incorporation signed and translated by a notary. Movant has not provided any evidence it has any ownership in any websites listed in the final judgment.
7. Pursuant to Rule 1.140(b) of the Florida Rules of Civil Procedure, which addresses motions to dismiss for failure to state a cause of action, Plaintiff respectfully requests the court not to vacate any part of the Judgment due to lack of specificity, lack of jurisdiction, and misrepresentation regarding the existence of GUY TSABARY LAW OFFICE as an entity.

Plaintiff respectfully requests the court to deny GUY TSABARY LAW OFFICE's motion to vacate any part of the Judgment on the grounds of lack of specificity, jurisdiction, and misrepresentation.