

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FT. LAUDERDALE DIVISION

John A. Mattera,
Plaintiff,

Case No: 0:17-CV-22406(KMW)

v.

Gusrae Kaplan Nusbaum PLLC,
Martin H. Kaplan, Lawrence G.
Nusbaum, Bradford Van Siclen,
Inga Walter Van Siclen.
Defendants.

MOTION TO CEASE AND DESIST

COMES NOW, Plaintiff, John A. Mattera, pro se, and moves this Honorable Court for an Order to Cease and Desist against Defendants Gusrae, Kaplan, Nusbaum PLLC, and in particular, Managing Partner, Martin H. Kaplan.

On September 18, 2017, Plaintiff was copied on a letter (Exh A.) dated September 13, 2017 in which Defendant, Martin H. Kaplan wrote to the Warden of Coleman Low, the institution where Plaintiff is incarcerated. The letter made accusations that Defendant was in violation of institutional policy because his family and friends have constructed a website in which they have begun to engage social media on the various lawsuits Defendant is filing or has filed, along with the facts and claims surrounding the various cases.

In Paragraph 4, he stated [Defendant] "is using resources of the Federal Correctional Institution to engage in fraudulent conduct," on the website and Twitter account. This statement by him to the Warden at the Institution is in fact libelous and defamatory and Mattera considers this type of letter to be sent as an attempt by Defendant Kaplan to cause Plaintiff trouble with the Bureau of Prisons when all Defendant has done is to protect his rights.

Plaintiff's family and friends, and support group, along with investigators see the blatant civil rights violations, along with Judge Richard Sullivan's GRANTED ORDER issued August 22, 2107 for Plaintiff to present an amended claim on his actual innocence based on facts presented partially in this case, but also in Plaintiff's criminal case. Defendant Kaplan goes on to claim that Plaintiff's friends, family, and support group intend to post background information on "...several former and present Government attorneys and attorneys that have previously represented the prisoner, including a partner of my law firm." [referring to Lawrence Nusbaum, named Defendant in this action]. On this claim, there is nothing in any law prohibiting them from posting the facts regarding Plaintiff's Fraud, Malpractice, and Bar complaints, and in using the actual innocence and Exhibits as there are additional malpractice and Bar complaints being filed this month. Defendant goes on to tell the Warden of Plaintiff's institution that a New York Bar Complaint filed by Plaintiff "which was substantially dismissed" in an attempt to get the Warden to think Plaintiff is doing something wrong or in violation of policy, or to cause Plaintiff trouble, when he is doing nothing wrong, but is protecting his rights. In fact, Martin Kaplan's New York Bar Complaint (Docket No. 2017, 1558) and Lawrence G. Nusbaum's New York Bar Complaing (Docket No. 2017, 1557) have NOT been dismissed, but are "deferred". (Exh. B & C) in line with Defendant Kaplan's many egregious lies that he has told the New York Bar when Plaintiff made his original filing.

A letter is being drafted to Chief Attorney Dopico with add-(Exh. E) itional information, as Dopico requested, to support the ethical violations and warrant an investigation to start.

In the body of Plaintiff's original response to the New York Bar, (Exh D) Martin H. Kaplan claimed I was never a client of the firm [even though they stole seventy thousand dollars of mine via wire]. The enclosed letter dated September 13, 2017 (Exh. A) contradicts his denial to the Bar when he stated on the top of page two "and the Attorney's that have previously represented the prisoner, INCLUDING (emphasis added) a partner of my law firm." Yet another blatant lie of Martin H. Kaplan unmasked in his own writing.

This letter is as unprofessional and desperate a response that a licensed attorney can write, trying to take his accuser out of the equation by crying foul when there is none.

Wherefore, Plaintiff respectfully prays that this Honorable Court order Defendant's to Cease and Desist from behavior that is not only false and misleading, but also unethical, and to stick to the merits of the case, and the Court should consider sanctions should it continue, and for such further relief as is meet and just.

Respectfully Submitted,



John A. Mattera

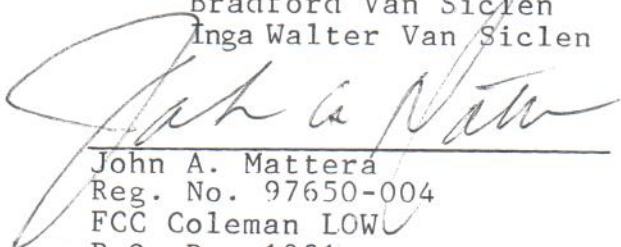
18 September 2017

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing has been sent by U.S. Mail to:

Gusrae Kaplan Nusbaum PLLC
Martin H. Kaplan
Lawrence G. Nusbaum
Bradford Van Siclen
Inga Walter Van Siclen

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