[DO NOT PUBLISH]
In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-13404

Non-Argument Calendar

SCOTT MEIDE,

Plaintiff-Appellant,

versus

PULSE EVOLUTION CORPORATION,
JOHN TEXTOR,
GREGORY CENTINEO,
JULIE NATALE,
DANA TEJEDA, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 3:18-cv-01037-MMH-MCR

Before LAGOA, BRASHER, and HULL, Circuit Judges.

PER CURIAM:

Plaintiff Scott Meide, proceeding pro se, appeals the district court's orders imposing sanctions under the Private Securities Litigation Reform Act ("PSLRA"), 15 U.S.C. § 78u-4(c)(1). The sanctions were attorneys' fees in different amounts in favor of three separate groups of defendants. On appeal, Meide contends that the district court abused its discretion in awarding attorneys' fees as sanctions and in calculating the amount of fees as sanctions. After careful review, we affirm.

I. FACTUAL BACKGROUND

A. Initial Complaint, Dismissal, and Amended Complaint

On August 27, 2018, plaintiff Meide, proceeding pro se, sued these 12 defendants: (1) Laura Anthony and Michael Pollaccia a/k/a Michael Anthony ("Anthonys"); (2) Gregory Centineo, Agnes King, John King, and Julie Natale ("Centineo Defendants"); (3) Jordan Fiksenbaum, Frank Patterson, John Textor, Evolution
AI Corporation, and Pulse Evolution Corporation ("Pulse Defendants"); and (4) Dana Tejeda. Meide's 36-page complaint alleged seven counts, including a federal securities fraud claim against all the defendants.

All the defendants moved to dismiss. As relevant here, the Centineo and Pulse Defendants asserted that (1) Meide purchased securities from the defendants in his capacity as a representative of the Jacksonville Injury Center ("JIC"), (2) JIC owns the securities, and (3) therefore, Meide lacked standing to assert his claims. The Pulse Defendants submitted three security agreements

showing that the company JIC purchased shares of Evolution AI Corporation and Pulse Evolution Corporation.

On July 24, 2019, the district court held a hearing on the motions to dismiss. The district court determined that (1) Meide's complaint was a shotgun pleading because it contained conclusory, vague, and immaterial facts, and (2) Meide's securities fraud claim lacked the particularity required by Federal Rule of Civil Procedure 9(b) and the PSLRA's heightened pleading standards. The district court also noted that, if JIC was the proper plaintiff, Meide needed to obtain counsel because JIC was a corporate entity that "must be represented by legal counsel."

In a separate written order, the district court stayed discovery and dismissed the complaint but granted Meide leave to amend his complaint. The district court warned Meide that, under 15 U.S.C. § 78u-4(c)(1), it was required to impose sanctions if he did not correct the deficiencies in his complaint.

On September 24, 2019, Meide filed a 31-page amended complaint against the same defendants except for Michael Anthony.

On October 4, 2019, the district court sua sponte struck the amended complaint because Meide (1) did not "utilize numbered paragraphs, each limited as far as practicable to a single set of circumstances," and (2) failed to specify which facts supported each claim. (Quotation marks omitted). The district court warned

Meide that he had "one final opportunity to properly state his claims."

On October 22, 2019, Meide filed a motion to recuse the district court judge, which the district court denied on November 18, 2019.

B. Second Amended Complaint and Motions for Leave to Amend and to Substitute

On November 1, 2019, Meide filed his 37-page second amended complaint against all the defendants except Michael Anthony. Meide's second amended complaint alleged six counts against the defendants: (1) a federal securities fraud claim ("Count I"), and (2) state law claims for breach of good faith and fair dealing, breach of fiduciary duty, fraud, civil conspiracy, and "Right of Rescission" ("Counts II-VI").

In response, the remaining defendants except Tejada moved to dismiss, asserting that Meide's complaint failed to comply with the pleading requirements of Rule 9(b) and the PSLRA. Meide responded to these motions but did not identify any allegations in his complaint that satisfied these requirements.

On June 11, 2020, William McLean entered a notice of appearance as Meide's counsel. On June 29, 2020, Meide, through counsel, filed (1) a motion to substitute JIC as the proper plaintiff and real party in interest, (2) a motion for leave to amend his complaint, and (3) a copy of his 39-page proposed third amended complaint.

C. Dismissal of Second Amended Complaint

On September 4, 2020, the district court dismissed Meide's second amended complaint, finding that he still failed to plead his Count I securities fraud claim with particularity, as required by the PSLRA. Thus, the district court (1) dismissed Meide's Count I securities fraud claim with prejudice and (2) dismissed his state law claims in Counts II-VI without prejudice so that Meide could refile these claims in state court.

Next, the district court denied Meide's counseled motion for leave to amend because (1) the motion to amend did not comply with the district court's local rules, (2) Meide's proposed third amended complaint was a shotgun pleading, and (3) Meide failed to show good cause for his delay in requesting leave to amend. The district court denied as moot Meide's motion to substitute because (1) the motion was untimely, and (2) even if JIC was substituted as the plaintiff, Meide's complaint still failed to properly state a claim for securities fraud.

On September 8, 2020, the district court entered judgment against plaintiff Meide but reserved jurisdiction to determine whether sanctions were appropriate. Meide did not file a notice of appeal at this time.

The district court referred the parties to mediation, presumably to give them an opportunity to resolve the case before Meide refiled his state law claims in state court and before the parties submitted further briefing on sanctions.

D. Sanctions

On December 10, 2020, the parties attended mediation but reached an impasse.

Following mediation, all of the defendants except Tejada moved for sanctions against Meide. The Anthonys also moved for sanctions against McLean, Meide's counsel, for filing the June 2020 motions for leave to amend and to substitute.

On September 29, 2021, the district court granted the Anthonys' motion for sanctions against Meide and McLean. The district court determined that Meide's claims against the Anthonys were frivolous because (1) Meide's initial complaint did not "set forth any relevant factual allegations regarding these two [d]efendants," and (2) Meide failed to correct the deficiencies in his complaint, even after the district court explained the pleading requirements for securities fraud claims at the July 24, 2019 hearing. The district court also determined that (1) Meide named the Anthonys as defendants "for the improper purpose of harassment," and (2) McLean failed to conduct a reasonable investigation before filing the June 2020 motions for leave to amend and to substitute.

In the same order, the district court granted in part the motions for sanctions filed by the Centineo and Pulse Defendants.

The district court determined that (1) Meide reasonably could have believed the claims in his initial

complaint were not frivolous, but (2) Meide's amended securities fraud claims against those individual defendants were frivolous and were brought "for the improper purpose of harass[ment]." The district court observed that (1) Meide continued to assert securities fraud claims in his own name without explaining why JIC was not the proper plaintiff, and (2) he made no attempt in his responses to the defendants' motions to dismiss to identify which allegations in his second amended complaint satisfied the pleading standards for securities fraud claims. The district court also noted that the PSLRA contained a mandatory sanctions provision, and it directed the parties to file supplemental motions regarding the appropriate amount of sanctions.

The Anthonys, Centineo Defendants, and Pulse Defendants filed supplemental motions for attorneys' fees. In their motion, the Centineo Defendants argued that Meide could not rebut the PSLRA's presumption in favor of awarding attorneys' fees as sanctions because (1) the burden of paying attorneys' fees was not unreasonable, and (2) Meide's violations of Federal Rule of Civil Procedure 11(b) were not de minimis.

Meide responded to the supplemental motions, but he did not argue that the proposed sanctions would pose an unreasonable burden or that his violations of Rule 11 were de minimis. Instead, Meide argued that some of the attorneys' fees requested by the defendants did not have a direct causal link to his sanctionable conduct.

On August 23, 2022, the magistrate judge issued a Report and Recommendation ("R&R") recommending that the defendants be awarded attorneys' fees as sanctions. As to the Anthonys, the magistrate judge determined that these defendants were entitled to attorneys' fees for the entire action.[1] As to the Pulse and Centineo Defendants, the magistrate judge determined that they were entitled to attorneys' fees for work completed after the filing of the first amended complaint because (1) Meide's Rule 11 violations were "substantial," (2) Meide failed to rebut the PSLRA's presumption in favor of awarding attorneys' fees as sanctions, and (3) the requested attorneys' fees were reasonable.

The magistrate judge warned that if a party did not object to the R&R within fourteen days, that party would waive the right to challenge on appeal any unobjected-to factual and legal conclusions. Meide did not file any objections to the R&R. On September 14, 2022, the district court adopted the R&R and granted the defendants' motions for sanctions.[2] On September 15, 2022, the district court entered these four judgments for attorneys' fees: (1) a $12,620.00 judgment in favor of the Anthonys against Meide; (2) a $11,019.50 judgment in favor of the Anthonys against Meide and attorney McLean, jointly and severally;

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[1] The magistrate judge recommended that the Anthonys' motion for sanctions be denied in two respects: (1) the hourly rate for one of the Anthonys' attorneys was excessive and should be lowered from $700 to $500; and (2) $1,098.58 in costs should be disallowed because the Anthonys "d[id] not state the legal basis for the costs."

[2] The district court made a minor modification to the R&R, finding that $12.50 in paralegal fees should be assessed against Meide and McLean jointly and severally, not Meide individually.

(3) a $43,215.00 judgment in favor of the Centineo Defendants against Meide; and (4) a $68,387.00 judgment in favor of the Pulse Defendants against Meide.

This appeal followed.

II. DISCUSSION

A. October 11, 2022 Notice of Appeal

Meide filed his notice of appeal on October 11, 2022. His appeal is not timely as to the district court's July 24, 2019 order staying discovery, its November 22, 2019 denial of his motion to recuse, or its September 4, 2020 dismissal of his complaint. *See* Fed. R. App. P. 4(a)(1)(A) (providing that an appellant in a civil case must file a notice of appeal within 30 days after the entry of judgment). Thus, to the extent Meide challenges these orders on appeal, we lack jurisdiction to review them. *See Green v. Drug Enf't Admin.*, 606 F.3d 1296, 1300–02 (11th Cir. 2010) (observing that, in civil cases, the timely filing of a notice of appeal is a mandatory prerequisite to the exercise of appellate jurisdiction). Generally, a sanction order is not final unless the award of attorneys' fees is reduced to a specific sum. *Santini v. Cleveland Clinic Fla.*, 232 F.3d 823, 825 n.1 (11th Cir. 2000). Therefore, Meide's October 11, 2022 notice of appeal is timely as to (1) the district court's September 29, 2021 order awarding sanctions, (2) its September 14, 2022 order reducing the award of attorneys' fees to specific sums, and (3) its September 15, 2022 judgments awarding those specific attorneys' fees as sanctions. *See id.*; Fed. R. App. P. 4(a)(1)(A). We address each order in turn.

B. September 29, 2021 Sanctions Order

As to the September 29, 2021 order, Meide's brief on appeal merely asserts that no sanctions were warranted and that his claims against the Anthonys were not frivolous. Meide's brief, however, does not contain any supporting arguments explaining why sanctions were inappropriate or why his claims were not frivolous. Therefore, Meide has abandoned this issue on appeal. *See Sapuppo v. Allstate Floridian Ins., Co.*, 739 F.3d 678, 681 (11th Cir. 2014) ("We have long held that an appellant abandons a claim when he either makes only passing references to it or raises it in a perfunctory manner without supporting arguments and authority."); *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008) ("While we read briefs filed by *pro se* litigants liberally, issues not briefed on appeal by a *pro se* litigant are deemed abandoned." (citation omitted)).

This leaves the September 14, 2022 order and September 15, 2022 judgments that reduced the September 29, 2021 sanctions order to specific sums of attorneys' fees. We first set forth the standards of review and general legal principles and then explain why the sanctions award was appropriate here.

C. Standards of Review

We review a district court's award of Rule 11 sanctions for abuse of discretion. *Massengale v. Ray*, 267 F.3d 1298, 1301 (11th Cir. 2001). A district court's award of sanctions under the PSLRA is reviewed under the same standard. *See Thompson v. RelationServe Media, Inc.*,

610 F.3d 628, 636 (11th Cir. 2010). We also review the amount of sanctions awarded by the district court for abuse of discretion. *See Oxford Asset Mgmt., Ltd. v. Jaharis*, 297 F.3d 1182, 1195–97 (11th Cir. 2002).

Further, under our Rule 3-1, a plaintiff who fails to object to a factual or legal conclusion in a magistrate judge's R&R after being informed of the time period for objections and the consequences of not objecting waives his right to challenge the unobjected-to determination on appeal. 11th Cir. R. 3-1. In the absence of a proper objection, however, this Court may review an issue in a civil appeal "for plain error if necessary in the interests of justice." *Id.*

Once this Court determines that reviewing an unobjectedto error in a R&R is necessary in the interests of justice, then it applies the heightened civil plain-error standard. *Roy v. Ivy*, 53 F.4th 1338, 1351 (11th Cir. 2022). Under the civil plain error 12

standard, this Court "will consider an issue not raised in the district court if it involves a pure question of law, and if refusal to consider it would result in a miscarriage of justice." *Id.* (quotation marks omitted).

D. PSLRA Sanctions

The PSLRA "mandate[s] [the] imposition of sanctions for frivolous litigation." *Merrill Lynch, Pierce, Fenner & Smith Inc. v. Dabit*, 547 U.S. 71, 81, 126 S. Ct. 1503, 1511 (2006). The PSLRA requires the district court to make findings as to each party and attorney's compliance with Rule 11(b).

15 U.S.C. § 78u-4(c)(1). If a court finds that a party or attorney has violated any requirement of Rule 11(b), then the court shall impose sanctions in accordance with Rule 11. *Id.* § 78u-4(c)(3).

In turn, Rule 11(b) requires an attorney or pro se party presenting a pleading to certify:

> (1) [the pleading] is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
>
> (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law; [and]
>
> (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have 13
>
> evidentiary support after a reasonable opportunity for further investigation or discovery
>
> . . . .

Fed. R. Civ. P. 11(b)(1)–(3). This Court has instructed that Rule 11 sanctions are properly assessed when a party files a pleading that (1) "has no reasonable factual basis," (2) "is based on a legal theory that has no reasonable chance of success and that cannot be advanced as a reasonable argument to change existing law," or (3) is

made "in bad faith for an improper purpose." *Massengale*, 267
F.3d at 1301 (quotation marks omitted).

If a complaint substantially fails to comply with Rule 11(b), the presumptive sanction is attorneys' fees and expenses. 15 U.S.C. § 78u-4(c)(3)(A)(i), (ii). This presumption may be rebutted, but only upon proof by the party against whom sanctions are to be imposed that (i) the award of attorneys' fees and other expenses will impose an unreasonable burden on that party and would be unjust, and the failure to make such an award would not impose a greater burden on the party in whose favor sanctions are to be imposed, or (ii) the violation of Rule 11(b) was de minimis. *Id.* § 78u-4(c)(3)(B)(i), (ii).

Even if a party rebuts the presumption of attorneys' fees, the court is still required to award sanctions that it deems appropriate under Rule 11. *Id.* § 78u-4(c)(3)(C).

E. Analysis

As an initial matter, Meide in his pro se brief does not argue that the district court erred in imposing sanctions on McLean, Meide's former counsel. Attorney McLean has not filed his own 14

brief. Therefore, the only issue on appeal is whether the district court abused its discretion in calculating the amount of attorneys' fees as sanctions *against Meide*.

Here, at the time of the R&R, Meide was represented by counsel. Although the R&R sufficiently informed Meide and his counsel of the time period for

objecting and the consequences for failing to object, Meide and his counsel did not challenge the magistrate judge's recommendation that the defendants be awarded sanctions under Rule 11 and the PSLRA. Accordingly, we may review Meide's argument—that the district court abused its discretion in calculating the amount of sanctions—for plain error only. *See* 11th Cir. R. 3-1.

Further, Meide does not raise any supporting arguments explaining why the district court erred in awarding attorneys' fees (or even identify which of the four judgments he is challenging on appeal). He thus has abandoned any claim related to the district court's September 14, 2022 order and September 15, 2022 judgments awarding attorneys' fees as sanctions. *See Roy*, 53 F.4th at 1351 (explaining that a pro se appellant forfeits an issue when he fails to present a substantive argument on appeal).

In any event, there was no abuse of discretion here. First, a review of the record supports the district court's finding that Meide's Rule 11(b) violations were substantial. Among other things, Meide (1) failed to assert any relevant allegations against the Anthonys in his initial complaint, (2) failed to correct the deficiencies in his complaint, even after the district court explained 15

the heightened pleading requirements of Rule 9(b) and the PSLRA to Meide at the July 24, 2019 hearing, and (3) continued to assert securities fraud claims in his own name without explaining why JIC was not the proper

plaintiff. These Rule 11(b) violations were substantial and triggered the PSLRA's presumption in favor of awarding attorneys' fees as sanctions. *See* 15 U.S.C. § 78u-4(c)(3)(A)(i), (ii).

Second, Meide did not meet his burden to rebut the PSLRA's presumptive award of attorneys' fees. Indeed, Meide did not offer any argument in the district court or in this Court that the burden of these sanctions was unreasonable or that his Rule 11(b) violations were de minimis. *See id.* § 78u-4(c)(3)(B)(i), (ii). Meide also does not contend on appeal that the amount of attorneys' fees awarded to the defendants was unreasonable. Under these circumstances, we conclude that the district court did not abuse its discretion in awarding reasonable attorneys' fees as sanctions.

III. CONCLUSION

For all these reasons, we **AFFIRM** the district court's sanctions award against Meide. We **DISMISS** his appeal to the extent that he challenges the final judgment dismissing his second amended complaint.

AFFIRMED IN PART AND DISMISSED IN PART.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

SCOTT MEIDE,
Plaintiff,

v. Case No. 3:18-cv-1037-MMH-MCR

PULSE EVOLUTION CORPORATION, JOHN TEXTOR, GREGORY CENTINEO, JULIE NATALE, DANA TEJEDA, AGNES KING, JOHN KING, EVOLUTION AI CORPORATION, JORDAN FIKSENBAUM, LAURA ANTHONY, FRANK PATTERSON, and FACEBANK GROUP, INC.,
Defendants.

JUDGMENT IN A CIVIL CASE

Decision by Court. This action came before the Court and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that pursuant to this Court's Order entered on September 14, 2022, judgment is hereby entered in favor of Defendants, Pulse Evolution Corporation, Evolution AI Corporation, John Textor, Jordan Fiksenbaum, and Frank Patterson, and against Plaintiff, Scott Meide, for attorneys' fees in the amount of $68,387.00.

For which sum let execution issue. Any motions seeking an award of attorney's fees and/or costs must be filed within 14 days of the entry of judgment.

Date: September 15, 2022

ELIZABETH M. WARREN,
CLERK
s/AET, Deputy Clerk
Copy to:
Counsel of Record
Unrepresented Parties

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

SCOTT MEIDE,
Plaintiff,
v. Case No. 3:18-cv-1037-MMH-MCR

PULSE EVOLUTION CORPORATION, JOHN TEXTOR, GREGORY CENTINEO, JULIE NATALE, DANA TEJEDA, AGNES KING, JOHN KING, EVOLUTION AI CORPORATION, JORDAN FIKSENBAUM, LAURA ANTHONY, FRANK PATTERSON, and FACEBANK GROUP, INC.,
Defendants.

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IT IS ORDERED AND ADJUDGED

that pursuant to this Court's Order entered on September 14, 2022, judgment is hereby entered in favor of Defendants, Gregory Centineo, Julie Natale, Agnes King, and John King, and against Plaintiff, Scott Meide, for attorneys' fees in the amount of $43,215.00. For which sum let execution issue. Any motions seeking an award of attorney's fees and/or costs must be filed within 14 days of the entry of judgment.

Date: September 15, 2022

ELIZABETH M. WARREN,
CLERK
s/AET, Deputy Clerk
Copy to:
Counsel of Record
Unrepresented Parties

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

SCOTT MEIDE,
Plaintiff,
v.

Case No. 3:18-cv-1037-MMH-MCR

PULSE EVOLUTION CORPORATION, JOHN TEXTOR, GREGORY CENTINEO, JULIE NATALE, DANA TEJEDA, AGNES KING, JOHN KING, EVOLUTION AI CORPORATION, JORDAN FIKSENBAUM, LAURA ANTHONY, FRANK PATTERSON, and FACEBANK GROUP, INC.,
Defendants.

JUDGMENT IN A CIVIL CASE

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IT IS ORDERED AND ADJUDGED

that pursuant to this Court's Order entered on September 14, 2022, judgment is hereby entered in favor of Defendants, Laura Anthony and Michael Anthony, and against Plaintiff, Scott Meide, and his counsel, William H. McLean, jointly and severally, for attorneys' fees in the amount of $11,019.50. For which sum let execution issue. Any motions seeking an award of attorney's fees and/or costs must be filed within 14 days of the entry of judgment.

Date: September 15, 2022

ELIZABETH M. WARREN,
CLERK
s/AET, Deputy Clerk
Copy to:
Counsel of Record
Unrepresented Parties

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

SCOTT MEIDE,
Plaintiff,
v. Case No. 3:18-cv-1037-MMH-MCR

PULSE EVOLUTION CORPORATION, JOHN TEXTOR, GREGORY CENTINEO, JULIE NATALE, DANA TEJEDA, AGNES KING, JOHN KING, EVOLUTION AI CORPORATION, JORDAN FIKSENBAUM, LAURA ANTHONY, FRANK PATTERSON, and FACEBANK GROUP, INC.,
Defendants.

JUDGMENT IN A CIVIL CASE

Decision by Court. This action came before the Court and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that pursuant to this Court's Order entered on September 14, 2022, judgment is hereby entered in favor of Defendants, Laura Anthony and Michael Anthony, and against Plaintiff, Scott Meide, for attorneys' fees in the amount of $12,620.00. For which sum let execution issue. Any motions seeking an award of attorney's fees and/or costs must be filed within 14 days of the entry of judgment.

Date: September 15, 2022

ELIZABETH M. WARREN,
CLERK
s/AET, Deputy Clerk
Copy to:
Counsel of Record
Unrepresented Parties

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DISTRICT

SCOTT MEIDE,

Plaintiff,

CASE NO: 3:18-CV-1037
MMH- MCK

vs.

PULSE EVOLUTION CORPORATION,
JOHN TESTOR, GREGORY CENTINEO,
JULIE NATALIE, DANA TEDEDA.
AGNES KING, JOHN KING,
EVOLUTION AI CORPORATION,
JORDAN FIKSENBAUM, WILLIAM
POLLACCA a/k/a MICHAEL ANTHONY,
FRANK PETTERSON

Defendants

_____/

PLAINTIFF SCOTT MEIDE'S MOTION TO COMPEL ANSWERS TO INTERROGATORIES

Comes now the Plaintiff in the above-captioned matter, Scott Meide, and moves this Court for an order directing Defendant John Textor to furnish full, complete and non-evasive to his First Set of Interrogatories. Those Interrogatories and the answers thereto are attached hereto as Exhibit A.

See Memorandum of Law, which follows.

Wherefore, Plaintiff Scoot Meide moves this Court

for the order he seeks.

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF SCOTT MEIDE'S MOTION TO COMPEL ANSWERS TO INTERROGATORIES

Comes now the Plaintiff in the above-captioned matter, Scott Meide, and would show this Court the following:

1. Plaintiff has attempted-- repeatedly—to comply with Local Rule 3.01(g). See email from Plaintiff to Michael J. Lufkin, attached hereto as Exhibit B.

Plaintiff has made repeated phone calls in an attempt to comply with Local Rule 301(g).

Left a voicemail on Lufkin's personal voicemail on Tuesday the 15th and Friday the 18th around 9:15 am.

Left a message with the older female operator on Thursday the 17th and she said she tried to transfer me to his assistant, but couldn't and there's something wrong with the phone system AND Lufkin is out-of-town till next Tuesday AND I gave her my contact info for her to give to him and his assistant and call me back as I am trying to settle a discovery dispute.

Left a voice message on Tuesday the 22nd approximately at 9:3- am. No call back.

Counsel for Defendant John Textor and Plaintiff finally did have a phone conversation, pursuant to Local Rule 3.01(g). What Plaintiff encountered was a masterpiece of obfuscation.

Defense counsel made such statements as (Plaintiff's brother took notes):

1. The objections were raised in good faith and

have a "good foundation".

2. A trans-actional question falls outside the borders of Rule 26.

Of course, it's a transactional question:

Transactional (Has a Time Dimension, and becomes historical once the transaction is completed)

- Financial: orders, invoices, payments

3. The answers are all unverified but in typical practice we are not having any problems here certainly we can have the information verified in some point in time and obviously there are other matters in addressing that issue.

As will more fully appear, infra, what Plaintiff has received so far is unverified, unsworn double talk Plaintiff doubts very seriously if defense counsel would spout such nonsense in front of a federal judge or a jury.

Counsel for Defendant Textor should consider:

Standards of Law

The scope of discovery is well known:

Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be

admissible in evidence to be discoverable.

Fed. R. Civ. P. 26(b)(1). The rules "strongly favor full discovery whenever possible." *Farnsworth v. Procter & Gamble Co.*, 758 F.2d 1545, 1547 (11th Cir. 1985). That said, relevancy is key. "The discovery process is designed to fully inform the parties of the relevant facts involved in their case." *U.S. v. Pepper's Steel & Alloys, Inc.*, 132 F.R.D. 695, 698 (S.D. Fla. 1990) (citing *Hickman v. Taylor*, 329 U.S. 495, 501 (1947)). "The overall purpose of discovery under the Federal Rules is to require the disclosure of all relevant information so that the ultimate resolution of disputed issues in any civil action may be based on a full and accurate understanding of the true facts, and therefore embody a fair and just result." *Oliver v. City of Orlando*, No. 6:06-cv-1671-Orl-31DAB, 2007 WL 3232227, at * 1 (M.D. Fla. Oct. 31, 2007) (citing *United States v. Proctor & Gamble Co.*, 356 U.S. 677, 682 (1958)). "[R]equiring relevance to a claim or defense 'signals to the court that it has the authority to confine discovery to the claims and defenses asserted in the pleadings, and signals to the parties that they have no entitlement to discovery to develop new claims or defenses that are not already identified in the pleadings.'" *Builders Flooring Connection, LLC v. Brown Chambless Architects*, No. 2:11CV373-MHT, 2014 WL 1765102, at *1 (M.D. Ala. May 1, 2014) (quoting GAP Report of Advisory Committee to 2000 amendments to Rule 26). "As the Advisory Committee Notes say, '[t]he Committee intends that the parties and the court focus on the actual claims and defenses involved in the action," *Liese v. Indian River Cty. Hosp. Dist.*, 701 F.3d 334, 355 (11th Cir. 2012) (quoting the GAP Report).

Parties can seek the production of information within the scope of Rule 26(b). *See* Fed. R. Civ. P. 34. A party objecting to a request for production must: (1) "state with

specificity the grounds for objecting to the request, including the reasons;" (2) "state whether any responsive materials are being withheld on the basis of that objection;" and (3) "[a]n objection to part of a request must specify the part and permit inspection of the rest." Rule 34(b)(2). The rules leave no place for boilerplate style objections. *Siddiq v. Saudi Arabian Airlines Corp.*, No. 6:11-cv-69-Orl-19GJK, 2011 WL 6936485, at *3 (M.D. Fla. Dec. 7, 2011) (quoting *Milinazzo v. State Farm Ins. Co.*, 247 F.R.D. 691, 695 (S.D. Fla. 2007)).

LOCAL ACCESS, LLC v. PEERLESS NETWORK, INC., No. 6:17-cv-236-Orl-40TBS, U.S. Dist. Ct, M.D. Florida, Orlando Div., June 12, 2018

What Plaintiff got in his phone conversation was worse than boilerplate. What Plaintiff got was subterfuge.

Should a jury be allowed to determine the credibility of Defendant Textor or should it not?

[3] Defendants also moved to dismiss the Amended Complaint because Elwadi allegedly engaged in "witness tampering" by attempting to bribe potential witnesses in the case "to provide false testimony . . . in exchange for financial compensation." Doc. 27 at 1. Judge Chappell declined to impose sanctions for the alleged "witness tampering[,]" finding that the issue was "more of a dispute regarding the credibility of witnesses involved in the normal discovery, fact-finding process." Doc. 43 at 5.

ELWADI v. ALAM, LLC et al., No. 2:17-cv-646-FtM-38CMU.S. Dist. Ct., M.D. Florida, Ft. Myers Div., November 14, 2018

Either Pulse Evolution Corp. has "billionaire

investors", or it does not. Either Defendant Textor is lying, or he is not. In either case, the issue is the credibility of Defendant Textor.

STATEMENT OF PLAINTIFF

This type of "pro se treatment" in not what Local Rule 3.01(g) seems to indicate.

Local Rule 3.01(g) expects parties to confer with unrepresented parties as they wouldcounsel. *See Rigley v. Livingston Fin. LLC*, No. 6:12-cv-617, 2012 WL 12915480, at *1 (M.D. Fla. Dec. 4, 2012). As Lee Memorial points out, the original Case Management and Scheduling Order defines the term "confer" to require "a substantive conversation *in person or by telephone* in a good faith effort to resolve the motion without court action, and does not envision an exchange of ultimatums by fax or letter." Doc. 74 at 2; Doc. 25 at 3 (emphasis in original).

Goines v. Lee Memorial Health System, 2:17-cv-656-FtM—29CM M.D.Fla. 09/14/2018

Plaintiff suspects attorney Michael J. Lufkin is under the impression that-- if he doesn't comply in good faith with Local Rule 3.01(g)-- his client is under no obligation to furnish honest, non-evasive answers to his First Set of Interrogatories. Assuming, arguendo, that such a "roadblock" will not be tolerated by this Court:

Local Rule 3.04(a)

Interrogatory No. 1:

You have made the claim in an Affidavit, under oath, that the shares of Pulse Evolution were--and are--

worth more than the amount for which Plaintiff Scott Meide purchased them. Describe how Plaintiff Scott Meide can exchange those restricted shares of Pulse Evolution for actual cash.

ANSWER: Defendant objects to this Interrogatory as vague and ambiguous in that it appears to seek a legal conclusion and/or legal advice from Defendant that Defendant has no duty to provide to Plaintiff. Defendant further objects that this Interrogatory because it seeks information not discoverable under Fed. R. Civ. P. 26(b), i.e., information that is irrelevant to Plaintiff's claims and disproportionate to the needs of the case since it will not assist in resolving anything at issue in this action.

Reason The Motion Should Be Granted

What is at issue is whether Pulse Evolution Corp. is a "pump & dump" scheme and the credibility (or lack thereof) of Defendant John Textor.

For a similar case:

As a result of the conspirators' misrepresentations, the price of Cascade's stock rose from $.25 per share to a high of $11.75 between 1985 and 1991. As the stock's value increased, the conspirators secretly sold their shares in the company. When their fraudulent conduct came to light in November 1991, approximately eighteen million shares of Cascade stock held by the public immediately became worthless.

United States v. Hedges, 175 F.3d 1312 (11thCir.05/21/1999)

Defendants Curshen and Montgomery

participated with many others in a conspiracy to defraud the investing public through a pump-and-dump stock manipulation scheme involving shares of CO2 Tech Ltd.'s ("CO2 Tech") stock.

A pump and dump scheme involves artificially inflating the price and volume of an owned stock—by promotional or trading activity—to sell the stock at a higher price. Once the overvalued shares are dumped, the price and volume of shares plummet and unsuspecting investors lose their money.

Defendants Curshen and Montgomery and their co-conspirators perpetrated their pump- and-dump stock manipulation scheme by issuing false and misleading press releases and other promotional materials and by coordinating the trading activities of CO2 Tech-stock sellers and buyers. Their scheme left unsuspecting investors holding worthless shares of CO2 Tech stock.

UNITED STATES OF AMERICA v. CURSHEN and MONTGOMERY, Nos. 12-12658, 12-12659, 11th Cir. May 28, 2014

What an honest, non-evasive answer will help to determine is:

1. Does the stock Plaintiff purchased have actual cash value or is it worthless? evasive answer

will help to determine is:

2. Are the Defendants running a "pump and dump" scheme or are they not?

3. Is Defendant Textor a credible witness or is he a lying, scheming and thieving stock fraud manipulator?

4. Can Defendant Pulse Evolution Corp. stock that Plaintiff owns be redeemed in U.S. currency

or is it the stock fraud equivalent of monopoly money?

Interrogator No. 2:

You have boasted in emails to Plaintiff Scott Meide that you live in a $5.7 million house. State the exact amount that the Internal Revenue Service has filed in tax liens against that house that have not been paid.

ANSWER: Defendant objects to this Interrogatory as it seeks information irrelevant to any claim made by Plaintiff in his Complaint or defense asserted by any other party. Defendant further objects to this Interrogatory as the information sought is unimportant to resolving the issues in this case and therefore, is disproportionate to the needs of the case, and was made purely for vexatious and harassing reasons, and the disclosure of responsive information would violate the privacy interests of one or more non-parties.

Reason The Motion Should Be Granted

Defendant Textor has repeatedly held himself out to be a super-successful businessman. The question to be answered here is, is he be a super-successful businessman or merely another incompetent con-artist incapable of paying his taxes?
E.g., Plaintiff suspects he is "underwater" on his $5.7 million home.

Interrogator No. 3:

You have claimed that Defendant Pulse Evolution Corp. has billionaire investors. Name the investors, including their mailing addresses.

ANSWER: Defendant objects to this Interrogatory

because it is not reasonably calculated to lead to the discovery of admissible evidence. The information sought is irrelevant to any cognizable claim made by Plaintiff in the Complaint or any defense asserted by any other party. Further, the information this Interrogatory seeks is disproportionate to the needs of this case, it is unimportant to resolve any matter at issue in this lawsuit. Defendant also objects to this Interrogatory since it was made purely for vexatious and harassment reasons, and the disclosure of responsive information would violate the privacy interests of one or more non-parties.

Reason The Motion Should Be Granted

Plaintiff submits that the "non-parties" ("billionaire investors") are non-existent. If such individuals do not exist, Defendant John Textor should so state.

If they do exist, they should be furnished under mandatory disclosure.

Interrogator No. 4:

You have claimed that Defendant Pulse Evolution Corp. has institutional investors. Name the investors, including their mailing addresses.

ANSWER: Defendant objects to this Interrogatory as vague and ambiguous in that it does not define the term "institutional investor" about which it seeks information. Defendant objects to this Interrogatory because it is not reasonably calculated to lead to the discovery of admissible evidence. The information sought is irrelevant to any cognizable claim made by Plaintiff in his Complaint or any defense asserted by any other party. Furthermore, the information this Interrogatory seeks is

disproportionate to the needs of this case; it is unimportant to resolve any matter at issue in this lawsuit. Defense also objects to this Interrogatory because it was made purely for vexatious and harassment reasons, and the disclosure of information would violate the privacy interests of one or more non-parties.

Reason The Motion Should Be Granted

Again, Plaintiff does not believe any "institutional investors" (Defendant Textor has used this term in his emails, so it strains credibility that Defendant Textor doesn't understand what it means) actually exist.

Again, the credibility of Defendant Textor is at issue.

Interrogator No. 5:

List the names and addresses of all the individuals who have purchased stock in Defendant Pulse Evolution Corp. [attach additional sheets if necessary.

ANSWER: Defendant objects to this Interrogatory on the grounds that it is not likely to lead to the discovery of admissible evidence, is irrelevant and disproportionate to any claim made by the Plaintiff, was made purely for vexatious and harassment reasons, and the disclosure of information would violate the privacy interests of one or more non-parties.

Reason The Motion Should Be Granted

This answer may not be necessary as Plaintiff has already issued a third-party subpoena to acquire the requested information.

This information is necessary for the Plaintiff in that

he will be able to demonstrate that Defendant Textor has been involved in numerous stock frauds.

Interrogator No. 7:

Form 8-K/A was filed on October 24. 2018 with the SEC to amend Form 8-K previously filed by Recall Studios on August 8, 2018 Report. The auditors, Fraci and Associates II, PLLC, made the following statement:

Our report dated October 24, 2018, with respect to the financial statement, includes an Emphasis of matter paragraph relating to the uncertainty of [Defendant] Evolution AI Corporation's ability to continue as a going concern.

Form 8-K/A, Exhibit 23.1.

Our report dated October 24, 2018, with respect to the financial statement, includes an Emphasis of matter paragraph relating to the uncertainty of [Defendant] Evolution AI Corporation's ability to continue as a going concern

Form 8-K/A, Exhibit 23.2.

Explain how you intend to turn the failing operation around.

ANSWER: Defendant objects to this Interrogatory as vague and ambiguous since it seeks information about an unspecified "operation." Defendant further objects to this Interrogatory since it assumes an erroneous fact, *i.e.*, that there is a "failing operation" for the Defendant to "turn around." Defendant objects to this Interrogatory

because it seeks information that is neither relevant to any claim or defense in this action nor reasonably calculated to lead to the discovery of admissible evidence. Furthermore, the information this Interrogatory seeks is disproportionate to the needs of this case; it is unimportant to resolve any matter at issue in this lawsuit. Defense also objects to this Interrogatory since it seeks information that is confidential and/or proprietary business information.

Reason The Motion Should Be Granted

The "operation", Pulse Evolution, should be self-evident, not to mention it is described in the Form 8-K/A filed October 24, 2018 with the SEC (see pg. 5, Answers To Interrogatories). "Going concern" would appear to be a synonym for "operation".

The rest of this "answer" is mere boilerplate.

Interrogatory No. 8:

You sent me a text via telephone the following:

You don't mind if I block your number, do you? We really shouldn't be taking to each other... and I am too busy running a company with a $350 million market value in which you chose not to participate. Good luck with the dismissal action... and get ready to respond to court action in multiple other states. :)

Evidently the $350 million market value of Recall Studios, Inc. appears to be due to the consolidation of the two corporations—Defendant Evolution AI Corporation (of which you are named as President, Secretary, Treasurer and Initial Director in reports filed with the Florida Secretary of State) and Defendant Pulse Evolution Corporation (of which you are named as Director in

reports filed with the Florida Secretary of State)—with Recall Studios, Inc.

Recall Studios filed Form 10-Q on August 15, 2018, which you signed as Chief Executive Officer (Principal Executive Officer, Principal Financial Officer and Principal Accounting Officer). That form shows that on June 30, 2018, the total assets were $378,000 and the total liabilities were $4.100.000, which results in a net worth of ($3,722,000) or in layman's terms, 3.722 million dollars in the hole.

On December 31, 2017 the balance sheet of Defendant Evolution AI Corporation showed total assets of $5,840 and total current liabilities of $45,100, which results in a net worth of ($39,260) or in layman's terms, 39 thousand dollars in the hole.

On June 30, 2018 the balance sheet of Defendant Pulse Evolution Corporation shows total assets of $11,766,462 and total liabilities of $13,776, 503, which results in a net worth of ($2,010,041) or in layman's terms, 2 million dollars in the hole.

Please explain how consolidating three companies with a combined net worth of less than zero (- 0 -) has resulted in the market value of Recall Studios, Inc. becoming 350 million dollars.

ANSWER: Defendant objects to this Interrogatory as vague and ambiguous in that it appears to seek legal and/or accounting advice from Defendant that Defendant has no duty to provide under Fed. R. Civ. P. 26. Defendant further objects that this Interrogatory because it seeks information not discoverable under Fed. R. Civ. P.

26(b), *i.e.*, information about an uninvolved third party that is irrelevant to Plaintiff's claims and disproportionate to the needs of this case since it will not issue in resolving anything at issue in this action.

Reason The Motion Should Be Granted

Plaintiff is not seeking legal advice.

Plaintiff is not seeking accounting advice.

Plaintiff is merely asking a question that can be answered with *simple arithmetic*.

Pulse Evolution is not an "uninvolved third party", it is a *Defendant*.

Once again, the credibility of Defendant Textor is at issue.

Interrogator No. 9:

Describe all compensation you have personally received from Recall Studios, Inc., Evolution AI Corporation, and Pulse Evolution Corporation in the past five (5) years to date.

ANSWER: Defendant objects to this Interrogatory because it seeks information that neither relevant to any claim or defense in this action nor reasonably calculated to lead to the discovery of admissible evidence. Furthermore, the information this Interrogatory seeks is disproportionate to the needs of this case; it is unimportant to resolving any matter at issue in this lawsuit. Defendant also objects to this Interrogatory because it seeks information that is confidential or proprietary business information. Defendant further objects to this Interrogatory since portions of information responsive hereto are contained in public documents as available to

Plaintiff as Defendant.

Reason The Motion Should Be Granted

The information Plaintiff seeks is totally relevant. How much money has Defendant Textor *looted* from his various "pump and dump schemes"? Plaintiff submits that, to the extent public documents are available, said documents are not trustworthy. Defendant Textor and his cohorts have a penchant for paying people to send bogus press releases and submit false filings to the S.E.C.

Is Defendant Textor's looting the company he is involved in or is he not? Again, credibility.

Interrogator No. 10:

Describe the money (not in terms of stock, only in terms of actual payments in cash) that investors have received as profit from investing in Recall Studios, Inc., Evolution AI Corporation, and Pulse Evolution Corporation in the last five (5) years to date.

ANSWER: Defendant objects to this Interrogatory because it seeks information that is neither relevant to any claim or defense in this action nor reasonably calculated to lead to the discovery of admissible evidence. Furthermore, the information this Interrogatory seeks is disproportionate to the needs of this case; it is unimportant to resolving any matter at issue in this lawsuit. Defendant also objects to this Interrogatory since it seeks information that is confidential or proprietary business information. Defendant objects to this Interrogatory because it is impossible, as a practical matter, for Defendant to answer and/or the disclosure of such information would violate the personal and privacy interests of non-parties.

Reason The Motion Should Be Granted

An answer of "none", which Plaintiff suspects is the truth, would certainly underscore Plaintiff's claim that Defendant Textor and his cohorts are con artists, stock fraudsters, market manipulators and the like.

Again, the issue is credibility. Plaintiff believe, honest, non-evasive answers to Plaintiff's First Set of Interrogatories will determine that Defendant Textor is a pathological liar who, if this Motion be granted, will probably hide behind the self-incrimination clause of the Fifth Amendment, U.S. Constitution.

WHEREFORE, Plaintiff Scott Meide moves this Court to grant his Motion To Compel.

Respectfully submitted

February , 2019

Scott Meide
1204 Northwood Road
Jacksonville Florida
32207

Certificate of Service

This certifies that I have on this day of February, 2019, placed a true and exact copy of my

PLAINTIFF SCOTT MEIDE'S MOTION TO COMPEL ANSWERS TO INTERROGATORIES
with
MEMORANDUM OF LAW attached

In the U.S. Mails, first-class postage prepaid, addressed to

_____ _____

_____
Scott Meide