

**No.-----**

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**IN THE  
SUPREME COURT OF THE UNITED STATES**

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**RICKY KAMDEM-OUAFFO, PhD  
t/a KAMDEM GROUP**

**Petitioner**

**v.**

**COLGATE PALMOLIVE CO; HILLS PET NUTRITION; NATURASOURCE  
INTERNATIONAL LLC; REARDON ANDERSON LLC; MORGAN LEWIS &  
BOCKIUS LLP; LAW OFFICE OF MARK A KRIEGEL LLC; VINCENT  
LEBLON, J.S.C.; TERRY D. JOHNSON, ESQ.; TODD B. BUCK, ESQ.; MARK  
A.. KRIEGEL, ESQ.; LASZLO POKORNY; MS. KIM; ALLISON A. KRILLA,  
ESQ.; ERIK ANDERSON, ESQ.; RUDOLPH J. BURSHNIC, II, ESQ.;  
RICHARD G. ROSENBLATT, ESQ.; CLERK NEW JERSEY SUPERIOR  
COURT; DEBRA NICHOLS; DAVE BALOGA; SARAH B. MARTINEZ; LUIS  
J. MONTELONGO; BRENT K. POPE; DENNIS JEWELL; LYNDIA  
MELENDEZ; JASON, Hon. Leblon's Law Clerk; COLGATES SCIENCE &  
TECHNOLOGY; DONALD TRAUT; AKEEL A. QURESHI; ATTORNEY  
GENERAL NEW JERSEY; LAW OFFICE OF GERARD M GREEN; ET AL...**

**Respondents**

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**ON PETITION FOR A WRIT OF CERTIORARI TO  
THE US COURT OF APPEALS FOR THE THIRD CIRCUIT  
CASE No. 23-2982**

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**Opinions, Orders, Findings Of Facts, Conclusions Of Law, Orders On  
Rehearing, Judgments From Inferior Courts**

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**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 23-2982

---

RICKY KAMDEM-OUAFFO, PHD,  
Appellant

v.

COLGATE PALMOLIVE CO; HILLS PET NUTRITION; NATURASOURCE  
INTERNATIONAL LLC; REARDON ANDERSON LLC; MORGAN LEWIS &  
BOCKIUS LLP; LAW OFFICE OF MARK A KRIEGEL LLC; VINCENT LEBLON  
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ABC CORPORATIONS 1-10

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On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil Action No. 2-22-cv-06623)  
District Judge: Honorable Claire C. Cecchi

---

Submitted Pursuant to Third Circuit LAR 34.1(a)  
June 6, 2024  
Before: JORDAN, PHIPPS, and NYGAARD, Circuit Judges

(Opinion filed: July 1, 2024)

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OPINION\*

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PER CURIAM

Ricky Kamdem-Ouaffo, proceeding pro se, presented the following causes of action in his operative, first amended complaint: fraud on the court; aiding and abetting fraud; breach of fiduciary duty and the duty of care; legal malpractice predicated on attorney negligence; violations of 42 U.S.C. § 1983; violations of the Fourteenth Amendment; violations of the Defend Trade Secrets Act of 2016; breach of contract; tortious interference with his business opportunities; conspiracy and collusion; and unjust enrichment. The Defendants moved to dismiss the complaint, and the District Court granted the motions, dismissing with prejudice after finding that any further amendment would be futile. This appeal timely followed.

We have jurisdiction under 28 U.S.C. § 1291. To the extent that the District Court dismissed under Federal Rule of Civil Procedure 12(b)(1), our review is plenary. Gould Elecs. Inc., v. United States, 220 F.3d 169, 176 (3d Cir. 2000). We likewise exercise

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\* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

plenary review over a district court's dismissal for failure to state a claim. See Allah v. Seiverling, 229 F.3d 220, 223 (3d Cir. 2000). A plaintiff must present in his or her complaint "factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged," and this "plausibility standard . . . asks for more than a sheer possibility that a defendant has acted unlawfully." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citing Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556–57 (2007)). We may affirm on any basis supported by the record. See Tourscher v. McCullough, 184 F.3d 236, 240 (3d Cir. 1999).

The District Court categorized the Defendants as follows:

1. Morgan, Lewis & Bockius LLP, Terry D. Johnson, Richard G. Rosenblatt, Todd B. Buck, and Rudolph J. Burshnic II as the "Morgan Lewis Defendants";
2. Reardon Anderson, LLC; Erik Anderson, Esq.; and Allison K. Krilla, Esq. as the "Reardon Anderson Defendants";
3. Mark A. Kriegel, Esq.; Law Office of Mark A. Kriegel, LLC; Naturesource International, LLC; and Laszlo Pokorny as the "Naturesource Defendants";
4. Colgate-Palmolive Company and Hill's Pet Nutrition, Inc. as the "Colgate Defendants";
5. The Honorable Vincent LeBlon, J.S.C.; Michelle M. Smith, Clerk of the Superior Court of New Jersey; Jason Scotto D'Aniello, Esq.; and Ian Ratzlaff as the "Judicial Defendants";
6. The Attorney General of New Jersey; former acting attorney general John J. Hoffman; the Honorable Robert T. Lougy, A.J.S.C.; the Honorable Lisa A. Puglisi J.S.C.; and Akeel Qureshi, Esq. as the "AG Defendants"; and
7. Frank Orbach and the Law Office of Gerard M. Green as the "Orbach Defendants."



The instant action is Kamdem-Ouaffo's fourth attempt to relitigate his claims in federal court following his state court loss regarding his allegation that Defendant Naturasource and the Colgate Defendants misappropriated Kamdem-Ouaffo's proprietary pet food flavoring information. The matter was initially litigated in the Superior Court of New Jersey. See Ricky Emery Kamdem Ouaffo t/a Kamdem Grp. v. Colgate, et al., No. MID-L-5527-13 (N.J. Super. Ct. Law Div.) (hereinafter the "State Court Action"). Kamdem-Ouaffo's state court complaint was dismissed with prejudice after Defendant Judge LeBlon found that there was no basis for any of his claims. Shortly before the dismissal, Kamdem-Ouaffo attempted to remove the State Court Action to federal court (hereinafter the "Removal Action"), but the case was quickly remanded.

After the remand, Kamdem-Ouaffo filed a separate suit in federal court against Defendants LeBlon, the Reardon Anderson Defendants (who were Kamdem-Ouaffo's counsel in the State Court Action), a subset of the Morgan Lewis Defendants (who counseled the Colgate Defendants in the State Court Action), and Defendant Kriegel (counsel to the Naturasource Defendants in the State Court Action). See Ricky Emery Kamdem Ouaffo t/a Kamdem Grp. v. LeBlon, No. 15-cv-7481, 2015 WL 9463091, at \*2 (D.N.J. Dec. 21, 2015) (hereinafter the "LeBlon Action"). In that suit, Kamdem-Ouaffo alleged that the Defendants conspired to force the dismissal of his complaint in the State Court Action. The District Court dismissed his claims, and we affirmed after noting that Kamdem-Ouaffo's allegations were "entirely irresponsible" and "based on nothing more

than the fact that the court ruled against him.” See Kamdem-Ouaffo v. LeBlon, 673 F. App’x 223, 226 (3d Cir. 2016) (per curiam).

Kamdem-Ouaffo also filed a third federal case against the Colgate Defendants and Naturasource Defendants in which he reiterated claims that had already been adjudicated in the State Court Action (hereinafter the “Colgate Action”). The District Court dismissed his third amended complaint with prejudice, and we affirmed. See Kamdem-Ouaffo v. Colgate Palmolive Co., No. 21-1198, 2022 WL 382032 (3d Cir. Feb. 8, 2022) (per curiam). Kamdem-Ouaffo filed three motions for reconsideration, which were all denied.

Returning to the instant proceedings, the District Court first addressed the claims against the Judicial Defendants, and determined that Kamdem-Ouaffo failed to allege that Defendant Judge LeBlon engaged in any action that was beyond his judicial capacity or in the complete absence of all jurisdiction. See Figueroa v. Blackburn, 208 F.3d 435, 444 (3d Cir. 2000). It therefore concluded that he was entitled to absolute judicial immunity. See Azubuko v. Royal, 443 F.3d 302, 303 (3d Cir. 2006) (per curiam). For functionally the same rationale, the District Court concluded that the remaining Judicial Defendants were entitled to quasi-judicial immunity as employees of the court. See Gallas v. Sup. Ct. of Pa., 211 F.3d 760, 772–73 (3d Cir. 2000). For these reasons, the District Court dismissed the claims against the Judicial Defendants.

The District Court then turned to the bulk of the claims against the Morgan Lewis Defendants, as well as the claims against the AG Defendants and Orbach Defendants. It

began its analysis by citing New Jersey’s litigation privilege. See Allen ex rel. Martin v. LaSalle Bank, N.A., 629 F.3d 364, 369 (3d Cir. 2011). The District Court noted that the claims against these Defendants—who are all attorneys or law firms—related to alleged conduct undertaken as part of the Defendants’ efforts to advocate on behalf of their clients in prior legal proceedings such as the State Court Action, the LeBlon Action, and the Colgate Action. In light of this fact, the District Court concluded that these Defendants’ actions were protected by the litigation privilege, and it therefore dismissed the claims against them.

The District Court next addressed Kamdem-Ouaffo’s Defend Trade Secrets Act (DTSA) claim against the Morgan Lewis Defendants, the Naturesource Defendants, and the Colgate Defendants. These claims arose out of alleged misappropriations that occurred from 2011 to 2015. A private action for misappropriation presented under the DTSA “may not be commenced later than 3 years after the date on which the misappropriation with respect to which the action would relate is discovered or by the exercise of reasonable diligence should have been discovered.” 18 U.S.C. § 1836(d). The District Court noted that Kamdem-Ouaffo became aware of the conduct underlying his claims through the course of the State Court Action, which concluded over eight years prior to the instant proceedings. The District Court therefore dismissed this claim as untimely.

Lastly, the District Court addressed the remaining claims against the Reardon Anderson Defendants, Colgate Defendants, and Naturesource Defendants. It concluded

that these claims were negated by the doctrine of res judicata, which bars a claim when the following factors are present: “(1) a final judgment on the merits in a prior suit involving; (2) the same parties or their privities; and (3) a subsequent suit based on the same cause of action.” CoreStates Bank, N.A. v. Huls Am., Inc., 176 F.3d 187, 194 (3d Cir. 1999) (quoting Bd. of Trs. of Trucking Emps. Welfare Fund, Inc. v. Centra, 983 F.2d 495, 504 (3d Cir. 1992)). The District Court reasoned thusly because Kamdem-Ouaffo’s claims were already adjudicated to final judgment in the proceedings mentioned above, and the other two factors were equally applicable to the instant case.

To the extent that Kamdem-Ouaffo was attempting to present new claims related to fraud upon the court, the District Court concluded that he failed to present sufficient evidence to “meet the demanding standard for fraud upon the court.” Herring v. United States, 424 F.3d 384, 387 (3d Cir. 2005) (noting such claims are only justified by “the most egregious misconduct directed at the court itself”). To the extent that Kamdem-Ouaffo was attempting to present new claims related to legal malpractice, these claims were untimely, as the New Jersey statute of limitations for such a claim is six years, see N.J. Stat. Ann. § 2A:14-1, and the alleged conduct occurred over seven years prior to the commencement of the instant proceedings. Consequently, the District Court dismissed these claims as well.

Upon review, we agree with the District Court’s reasoning and conclusions regarding the dismissal of Kamdem-Ouaffo’s claims. In his brief, Kamdem-Ouaffo reiterates his claims and unsupported allegations of fraud upon the court, but fails to

present any meaningful challenge to the District Court's rationale. Accordingly, we will affirm the judgment of the District Court. We deny Kamdem-Ouaffo's request/motion pursuant to Local Appellate Rule 34.1(b) for oral argument. We likewise deny his motion for judicial notice.

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 23-2982

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RICKY KAMDEM-OUAFFO, PHD,  
Appellant

v.

COLGATE PALMOLIVE CO; HILLS PET NUTRITION; NATURASOURCE  
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On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil Action No. 2-22-cv-06623)  
District Judge: Honorable Claire C. Cecchi

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Submitted Pursuant to Third Circuit LAR 34.1(a)  
June 6, 2024  
Before: JORDAN, PHIPPS, and NYGAARD, Circuit Judges

---

**JUDGMENT**

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This cause came to be considered on the record from the United States District Court for the District of New Jersey and was submitted pursuant to Third Circuit LAR 34.1(a) on June 6, 2024. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered October 31, 2023, be and the same is hereby affirmed. Costs taxed against the appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszeweit  
Clerk

Dated: July 1, 2024

**General Docket**  
**United States Court of Appeals for the Third Circuit**

<b>Court of Appeals Docket #:</b> 23-2982 <b>Nature of Suit:</b> 3440 Other Civil Rights <b>Ricky Kamdem-Ouaffo v. Colgate Palmolive Co, et al</b> <b>Appeal From:</b> United States District Court for the District of New Jersey <b>Fee Status:</b> Paid		<b>Docketed:</b> 11/07/2023 <b>Termed:</b> 07/01/2024
<b>Case Type Information:</b> 1) civil 2) private 3) civil rights		
<b>Originating Court Information:</b> <b>District:</b> 0312-2 : <u>2-22-cv-06623</u> <b>Trial Judge:</b> Claire C. Cecchi, U.S. District Judge <b>Date Filed:</b> 11/14/2022 <b>Date Order/Judgment:</b> 10/31/2023 <b>Date Order/Judgment EOD:</b> 10/31/2023 <b>Date NOA Filed:</b> 11/01/2023		
<b>Prior Cases:</b> None		
<b>Current Cases:</b> None		

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**PETITION FOR A WRIT OF CERTIORARI, APPENDIX**

**PAGE 0011**



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DAVE BALOGA  
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Defendant

BRENT K. POPE  
Defendant

DENNIS JEWELL  
Defendant

LYNDA MELENDEZ  
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MARK DELUCA  
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MICHAEL STRAHER  
Defendant

CLIFFORD WILKINS  
Defendant

WILLIAM BROGAN  
Defendant

DAWN GARDNER  
Defendant

BRIAN BELLES  
Defendant

MICHAEL DIDAS  
Defendant

SHARON HUANG  
Defendant

RYAN FLANDRO  
Defendant

TODD KLEIN  
Defendant

NIKHIL HEBLE  
Defendant

JUDY CHUNG  
Defendant

MICHAEL JORDAN  
Defendant

ANNE ST. MARTIN  
Defendant

GEORGE WANG  
Defendant

SAMIA CHAUDRY  
Defendant

SANGIL LEE  
Defendant

CORY S. POKER  
Defendant

MATTHEW HERD  
Defendant

YIQUIN ZHAO  
Defendant

JACOB BLUMERT  
Defendant

HARVEY LIU  
Defendant

MARIO DEREVJANIK  
Defendant

KRISANNE LANE  
Defendant

GEORGE SANG  
Defendant

SAMUEL KATZ  
Defendant

THOMAS M. HUNTER  
Defendant

DEBRA L. STOREY  
Defendant

KLJ TRANSCRIPTION SERVICES, LLC  
Defendant

RICKY KAMDEM-OUAFFO, PHD,  
Appellant

v.

COLGATE PALMOLIVE CO; HILLS PET NUTRITION; NATURASOURCE INTERNATIONAL LLC;  
REARDON ANDERSON LLC; MORGAN LEWIS & BOCKIUS LLP;  
LAW OFFICE OF MARK A KRIEDEL LLC; VINCENT LEBLON, J.S.C.;  
TERRY D. JOHNSON, ESQ.; TODD B. BUCK, ESQ.; MARK A. KRIEDEL, ESQ.;  
LASZLO POKORNY; MS. KIM; ALLISON A. KRILLA, ESQ.; ERIK ANDERSON, ESQ.;  
RUDOLPH J. BURSHNIC, II, ESQ.; RICHARD G. ROSENBLATT, ESQ.;  
CLERK NEW JERSEY SUPERIOR COURT; DEBRA NICHOLS; DAVE BALOGA;  
SARAH B. MARTINEZ; LUIS J. MONTELONGO; BRENT K. POPE; DENNIS JEWELL;  
LYNDA MELENDEZ; JASON, Hon. Leblon's Law Clerk;  
COLGATES SCIENCE & TECHNOLOGY; DONALD TRAUT; AKEELA A. QURESHI;  
ATTORNEY GENERAL NEW JERSEY; LAW OFFICE OF GERARD M GREEN;  
FRANK ORBACH; JOHN J. HOFFMAN, Attorney General;  
SHANNON MCGARRAH; THOMAS HOXIE; MARK DELUCA; MICHAEL STRAHER;  
CLIFFORD WILKINS; WILLIAM BROGAN; DAWN GARDNER; BRIAN BELLES; MICHAEL DIDAS;  
SHARON HUANG; RYAN FLANDRO; TODD KLEIN; NIKHIL HEBLE; JUDY CHUNG;  
MICHAEL JORDAN; ANNE ST. MARTIN; GEORGE WANG; SAMIA CHAUDRY; SANGIL LEE;  
CORY S. POKER; MATTHEW HERD; YIQUIN ZHAO; JACOB BLUMERT; HARVEY LIU;  
MARIO DEREVJANIK; KRISANNE LANE; GEORGE SANG; SAMUEL KATZ;  
THOMAS M. HUNTER; ROBERT T. LOUGY; A. LISA PUGLISI;  
IAN SUPERIOR COURT MIDDLESEX COUNTY; DEBRA L. STOREY;  
KLJ TRANSCRIPTION SERVICES, LLC; JOHN AND/OR JANE DOES 1-10;  
ABC CORPORATIONS 1-10

11/08/2023	<input type="checkbox"/> <u>1</u> 30 pg, 835.81 KB	CIVIL CASE DOCKETED. Notice filed by Appellant Ricky Kamdem-Ouaffo in District Court No. 2-22-cv-06623. (JK) [Entered: 11/08/2023 02:45 PM]
11/08/2023	<input type="checkbox"/> <u>2</u>	RECORD available on District Court CM/ECF. (JK) [Entered: 11/08/2023 02:47 PM]
11/08/2023	<input type="checkbox"/> <u>3</u> 1 pg, 6.2 KB	ORDER (Clerk) for all parties represented by Attorney General of New Jersey, Esq. the designated filer shall be Hon. Vincent Leblon J.S.C.. (JK) [Entered: 11/08/2023 02:51 PM]
11/08/2023	<input type="checkbox"/> <u>4</u> 1 pg, 19.52 KB	<b>NOTICE</b> Pursuant to 3d Cir. L.A.R. 26.1, a document is timely filed if received by <b>5:00 p.m. ET</b> on the last day for filing unless the Court sets a different time, the document has been submitted by an inmate pursuant to Fed. R. App. P. 25(a)(2)(A)(iii), or otherwise specified in L.A.R. 26.1 (JK) [Entered: 11/08/2023 03:11 PM]
11/14/2023	<input type="checkbox"/> <u>5</u> 80 pg, 2.76 MB	Copy of Amended Notice of Appeal filed 11/14/2023 received from Clerk of District Court. (SB) [Entered: 11/14/2023 02:33 PM]
11/17/2023	<input type="checkbox"/> <u>6</u> 2 pg, 159.58 KB	ECF FILER: ENTRY OF APPEARANCE from Jae K. Shim, Deputy Attorney General on behalf of Appellee(s) Hon. Vincent LeBlon, J.S.C. (ret.), et al.. [23-2982] (JKS) [Entered: 11/17/2023 11:20 AM]
11/17/2023	<input type="checkbox"/> <u>7</u> 1 pg, 154.74 KB	ECF FILER: ENTRY OF APPEARANCE from Caroline McKenna on behalf of Appellee(s) Law Office of Gerard M. Green, Frank Orbach. [23-2982] (CM) [Entered: 11/17/2023 11:26 AM]
11/17/2023	<input type="checkbox"/> <u>8</u>	Notice received from the district court that the docketing and filing fees were paid by the appellant on 11/17/2023. (PDB) [Entered: 11/17/2023 12:20 PM]
11/21/2023	<input type="checkbox"/> <u>9</u> 1 pg, 27.54 KB	ECF FILER: ENTRY OF APPEARANCE from Patrick J. Cosgrove, Esquire on behalf of Appellee(s) Reardon Anderson, LLC; Erik Anderson, Esq; Allison A. Krilla, Esq.. [23-2982] (PJC) [Entered: 11/21/2023 11:03 AM]
11/21/2023	<input type="checkbox"/> <u>10</u> 1 pg, 303.02 KB	ECF FILER: ENTRY OF APPEARANCE from Rudolph J. Burshnic II on behalf of Appellee(s) Colgate-Palmolive Company, Hill's Pet Nutrition, Inc., Morgan, Lewis & Bockius LLP, Rudolph J. Burshnic II, Terry D. Johnson, Richard G. Rosenblatt, Todd Buck. [23-2982] (RJB) [Entered: 11/21/2023 12:28 PM]
11/21/2023	<input type="checkbox"/> <u>11</u> 1 pg, 303.56 KB	ECF FILER: ENTRY OF APPEARANCE from Terry D. Johnson on behalf of Appellee(s) Colgate-Palmolive Company, Hill's Pet Nutrition, Inc., Morgan, Lewis & Bockius LLP, Rudolph J. Burshnic II, Terry D. Johnson, Richard G. Rosenblatt, Todd Buck. [23-2982] (TDJ) [Entered: 11/21/2023 12:34 PM]
11/21/2023	<input type="checkbox"/> <u>12</u> 1 pg, 302.65 KB	ECF FILER: ENTRY OF APPEARANCE from Richard G. Rosenblatt on behalf of Appellee(s) Morgan, Lewis & Bockius LLP, Rudolph J. Burshnic II, Terry D. Johnson, Richard G. Rosenblatt, Todd Buck. [23-2982] (RGR) [Entered: 11/21/2023 12:41 PM]
11/21/2023	<input type="checkbox"/> <u>13</u> 2 pg, 112.55 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee Morgan Lewis & Bockius LLP. [23-2982] (TDJ) [Entered: 11/21/2023 01:33 PM]
11/22/2023	<input type="checkbox"/> <u>14</u> 2 pg, 109.78 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee Colgate Palmolive Co. [23-2982] (TDJ) [Entered: 11/22/2023 10:16 AM]
11/22/2023	<input type="checkbox"/> <u>15</u> 2 pg, 109.86 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Colgate-Palmolive Company. on behalf of Appellee Hills Pet Nutrition. [23-2982] (TDJ) [Entered: 11/22/2023 10:18 AM]
11/29/2023	<input type="checkbox"/> <u>16</u> 2 pg, 21.91 KB	FOLLOW UP LETTER to Attorney Mark A. Kriegel, Esq. for Appellees Naturasource International LLC, Laszlo Pokorny, Law Office of Mark A Kriegel LLC and Mark A. Kriegel, Esq. requesting the following document(s): Appearance Form on or before 12/06/2023. Disclosure Statement on or before 12/06/2023. (JK) [Entered: 11/29/2023 03:19 PM]
11/29/2023	<input type="checkbox"/> <u>17</u> 4 pg, 147.92 KB	BRIEFING NOTICE ISSUED. Brief on behalf of Appellant Ricky Kamdem-Ouaffo due on or before 01/08/2024. Appendix due on or before 01/08/2024.--[Edited 01/18/2024 by JK]--[Edited 01/19/2024 by JK] (JK) [Entered: 11/29/2023 03:37 PM]
12/06/2023	<input type="checkbox"/> <u>18</u> 2 pg, 129.05 KB	ECF FILER: ENTRY OF APPEARANCE from Mark A. Kriegel on behalf of Appellee(s) Mark A. Kriegel Law Office of Mark A. Kriegel, LLC Laszlo Pokorny Naturasource International, LLC. [23-2982] (MAK) [Entered: 12/06/2023 10:43 AM]
12/06/2023	<input type="checkbox"/> <u>19</u> 2 pg, 40.13 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee Naturasource International LLC. [23-2982] (MAK) [Entered: 12/06/2023 10:44 AM]
12/22/2023	<input type="checkbox"/> <u>20</u> 91 pg, 1.96 MB	PRO SE BRIEF on behalf of Appellant Ricky Kamdem-Ouaffo. Certificate of Service dated 12/20/2023 by Email. (TMS) [Entered: 12/22/2023 03:32 PM]
12/22/2023	<input type="checkbox"/> <u>21</u> 795 pg, 28.38 MB	PRO SE APPENDIX on behalf of Appellant Ricky Kamdem-Ouaffo. Volumes:3. Certificate of Service dated 12/20/2023 by Email. (TMS) [Entered: 12/22/2023 03:36 PM]
01/05/2024	<input type="checkbox"/> <u>22</u> 50 pg, 1.88 MB	ECF FILER: Motion filed by Appellee Terry D. Johnson to for Extension of Time to file APPELLEES' MOTION FOR LEAVE TO EXTEND TIME TO FILE OPPOSITION BRIEFS until/for 30 days following the Court's order deciding this motion, to supplement the appendix and a Response to appendix, 1st brief brief. Certificate of Service dated 01/05/2024. Service made by US mail. [23-2982] (TDJ) [Entered: 01/05/2024 03:29 PM]
01/08/2024	<input type="checkbox"/> <u>23</u> 59 pg, 2.25 MB	RESPONSE on behalf of Appellant Ricky Kamdem-Ouaffo in opposition to Appellee's motion for extension of time to file brief and to supplement the appendix. Certificate of Service dated 01/08/2024. Service made by ECF, Email. (JK) [Entered: 01/08/2024 11:32 AM]
01/11/2024	<input type="checkbox"/> <u>24</u>	Appellees Law Office of Gerard M Green and Frank Orbach verbally granted an extension of time to file brief until 02/05/2024 pursuant to 3d Cir. L.A.R. 31.4. (TMM) [Entered: 01/11/2024 11:44 AM]

01/11/2024	<input type="checkbox"/> 25	Appellees Erik Anderson, Allison A. Krilla, Esq. and Reardon Anderson LLC verbally granted an extension of time to file brief until 02/05/2024 pursuant to 3d Cir. L.A.R. 31.4. (TMM) [Entered: 01/11/2024 03:25 PM]
01/12/2024	<input type="checkbox"/> 26	HARD COPY RECEIVED from Appellant Ricky Kamdem-Ouaffo - PRO SE INFORMAL Brief. Copies: 7. (KEL) [Entered: 01/12/2024 03:37 PM]
01/12/2024	<input type="checkbox"/> 27	HARD COPY RECEIVED from Appellant Ricky Kamdem-Ouaffo - PRO SE Appendix. Copies: 4. Volumes: 3 (KEL) [Entered: 01/12/2024 03:37 PM]
01/18/2024	<input type="checkbox"/> 28	Appellee Vincent Leblon verbally granted an extension of time to file brief until 02/05/2024 pursuant to 3d Cir. L.A.R. 31.4. (JK) [Entered: 01/18/2024 11:07 AM]
01/18/2024	<input type="checkbox"/> 29 1 pg, 57.83 KB	ORDER (Clerk) The Motion by Appellees Morgan Lewis & Bockius, Terry D. Johnson, Richard G. Rosenblatt, Todd B. Buck, Rudolph J. Burshnic II, Colgate Palmolive Co. and Hill's Pet Nutrition for Leave to File Supplemental Appendix and to Extend Time to File Opposition Briefs and Appellant's Opposition are referred to a motions panel. The briefing schedule is temporarily stayed pending disposition of Appellees' motion. (JK) [Entered: 01/18/2024 11:30 AM]
01/19/2024	<input type="checkbox"/> 30 2 pg, 66.03 KB	ORDER (FREEMAN, Circuit Judge) The Motion by Appellees Morgan Lewis & Bockius, Terry D. Johnson, Richard G. Rosenblatt, Todd B. Buck, Rudolph J. Burshnic II, Colgate Palmolive Co. and Hill's Pet Nutrition for Leave to File Supplemental Appendix and to Extend Time to File Opposition Briefs is granted. Appellees' briefs must be filed and served 30 days from the date of this order. Panel No.: CCO-049. FREEMAN, Authoring Judge. (JK) [Entered: 01/19/2024 10:32 AM]
01/29/2024	<input type="checkbox"/> 31 187 pg, 79.28 MB	MOTION filed by Appellant Ricky Kamdem-Ouaffo for the Court's Pre-Approval Increasing the Word Count of Appellant's Reply Brief to no more than 13,000 Words Limit - FRAP Rule 32(e). Response due on 02/05/2024. Certificate of Service dated 01/26/2024. Service made by ECF. (JK) [Entered: 01/29/2024 11:10 AM]
01/29/2024	<input type="checkbox"/> 32 1 pg, 89.51 KB	ECF FILER: ENTRY OF APPEARANCE from Azeem M. Chaudry on behalf of Respondent(s) The Hon. Vincent LeBlon, J.S.C., (ret.); Michelle M. Smith, Clerk of the Superior Court of New Jersey; Jason Scott D'Aniello, Esq.; Ian Ratzlaff, The Attorney General of New Jersey; former Acting Attorney General John J. Hoffman; the Hon. Robert T. Lougy. [23-2982] (AMC) [Entered: 01/29/2024 11:24 AM]
01/30/2024	<input type="checkbox"/> 33 5 pg, 118.11 KB	ECF FILER: Motion filed by Appellee Vincent Leblon for Extension of Time to file Respondents' merits brief until for 2/20/24. Certificate of Service dated 01/30/2024. Service made by ECF. [23-2982] (AMC) [Entered: 01/30/2024 12:30 PM]
01/30/2024	<input type="checkbox"/> 34 85 pg, 1.78 MB	ECF FILER: Motion filed by Appellees Law Office of Gerard M Green and Frank Orbach for Extension of Time to file Opposition brief. until for February 20, 2024., to supplement the appendix. Certificate of Service dated 01/30/2024. Service made by ECF. [23-2982] (CM) [Entered: 01/30/2024 04:24 PM]
02/01/2024	<input type="checkbox"/> 35 1 pg, 56.89 KB	ORDER (Clerk) Appellant's motion for leave to file an overlength reply brief is denied as presented. Appellant may file a reply brief containing no more than 7,800 words. Appellant must include a Certification of the Word Count at the time of filing the reply brief. (JK) [Entered: 02/01/2024 10:00 AM]
02/01/2024	<input type="checkbox"/> 36 41 pg, 1.45 MB	ECF FILER: ELECTRONIC SUPPLEMENTAL APPENDIX on behalf of Appellees Todd B. Buck, Esq., Rudolph J. Burshnic, II, Colgate Palmolive Co, Hills Pet Nutrition, Terry D. Johnson, Morgan Lewis & Bockius LLP and Richard G. Rosenblatt. Certificate of service dated 02/01/2024 by ECF. [23-2982] (TDJ) [Entered: 02/01/2024 01:21 PM]
02/02/2024	<input type="checkbox"/> 37	HARD COPY RECEIVED from Appellees Todd B. Buck, Esq., Rudolph J. Burshnic, II, Colgate Palmolive Co, Hills Pet Nutrition, Terry D. Johnson, Morgan Lewis & Bockius LLP and Richard G. Rosenblatt - Supplemental Appendix. Copies: 4. Volumes: 1 (MCW) [Entered: 02/02/2024 05:25 PM]
02/05/2024	<input type="checkbox"/> 38 17 pg, 95.93 KB	ECF FILER: ELECTRONIC BRIEF on behalf of Appellees Erik Anderson, Allison A. Krilla, Esq. and Reardon Anderson LLC. Certificate of Service dated 02/05/2024 by US mail, Email. [23-2982] (PJC) [Entered: 02/05/2024 10:30 AM]
02/05/2024	<input type="checkbox"/> 39 37 pg, 168.31 KB	ECF FILER: ELECTRONIC BRIEF on behalf of Appellees Law Office of Gerard M Green and Frank Orbach. Certificate of Service dated 02/05/2024 by US mail, ECF, Email. [23-2982] (CM) [Entered: 02/05/2024 03:21 PM]
02/06/2024	<input type="checkbox"/> 40	HARD COPY RECEIVED from Appellees Erik Anderson, Allison A. Krilla, Esq. and Reardon Anderson LLC - Brief. Copies: 7. (KEL) [Entered: 02/06/2024 01:39 PM]
02/08/2024	<input type="checkbox"/> 41	HARD COPY RECEIVED from Appellees Law Office of Gerard M Green and Frank Orbach - Brief. Copies: 7. (KEL) [Entered: 02/08/2024 02:36 PM]
02/09/2024	<input type="checkbox"/> 42 1 pg, 59.04 KB	ORDER (Clerk) Appellee Vincent Leblon's motion for extension of time to file brief is granted. Appellee's brief must be filed and served on or before February 20, 2024. Appellees Law Office of Gerard Green and Frank Orbach's motion is granted insofar as it seeks to file a supplemental appendix. Appellee's motion to extend time to file a brief until February 20, 2024, is dismissed as unnecessary. It is noted that Appellees' brief was filed on February 5, 2024. Appellees' supplemental appendix must be filed and served within 7 days of the date of this order. (JK) [Entered: 02/09/2024 11:10 AM]
02/09/2024	<input type="checkbox"/> 43 2 pg, 22.24 KB	Clerk's letter to counsel for appellee(s)/respondent(s) requesting response within 10 days on the intention of participation in this appeal. (JK) [Entered: 02/09/2024 11:31 AM]
02/09/2024	<input type="checkbox"/> 44 1 pg, 152.12 KB	ECF FILER: LETTER from Attorney Mark A.. Kriegel, Esq. for Appellees Mark A.. Kriegel, Esq., Law Office of Mark A Kriegel LLC, Naturesource International LLC and Laszlo Pokorny Letter Regarding Brief/Participation. Certificate of Service dated 02/09/2024. Service made by ECF, Email. [23-2982] (MAK) [Entered: 02/09/2024 11:58 AM]

02/11/2024 ☐ 45 SECOND MOTION filed by Appellant Ricky Kamdem-Ouaffo Pursuant to FRAP Rule 32(e) for a Court Order Approving an Additional 1,500 to 1,750 Words for his Reply Brief. Response due on 02/21/2024. Certificate of Service dated 02/11/2024. Service made by Email. (JK) [Entered: 02/12/2024 10:04 AM]  
330 pg, 1.61 MB

02/12/2024 ☐ 46 ECF FILER: ELECTRONIC SUPPLEMENTAL APPENDIX on behalf of Appellees Law Office of Gerard M Green and Frank Orbach. Certificate of service dated 02/12/2024 by ECF. [23-2982] (CM) [Entered: 02/12/2024 05:08 PM]  
82 pg, 2.19 MB

02/20/2024 ☐ 47 ECF FILER: ELECTRONIC BRIEF on behalf of Appellee Vincent Leblon. Certificate of Service dated 02/20/2024 by ECF. [23-2982] (AMC) [Entered: 02/20/2024 03:27 PM]  
31 pg, 346.5 KB

02/20/2024 ☐ 48 ECF FILER: ELECTRONIC BRIEF on behalf of Appellees Colgate Palmolive Co and Hills Pet Nutrition. Certificate of Service dated 02/20/2024 by ECF. --[Edited 02/22/2024 by EAF - Event and text edited] [23-2982] (TDJ) [Entered: 02/20/2024 04:16 PM]  
62 pg, 641.01 KB

02/20/2024 ☐ 49 ECF FILER: ELECTRONIC BRIEF on behalf of Appellees Morgan Lewis & Bockius LLP, Terry D. Johnson, Richard G. Rosenblatt, Todd B. Buck, Esq. and Rudolph J. Burshnic, II. Certificate of Service dated 02/20/2024 by US mail, ECF. [23-2982] (TDJ) [Entered: 02/20/2024 04:48 PM]  
51 pg, 517.68 KB

02/20/2024 ☐ 50 HARD COPY RECEIVED from Appellees Law Office of Gerard M Green and Frank Orbach - Supplemental Appendix. Copies: 4. Volumes: 1. (NON-COMPLIANT) (EMA) [Entered: 02/20/2024 05:57 PM]

02/20/2024 ☐ 51 TEXT ONLY ORDER (Clerk) directing Attorney Caroline McKenna, Esq. for Appellees Law Office of Gerard M Green and Frank Orbach to submit 4 CORRECTED hard copies in white front and back covers for the supplemental appendix received on 02/20/2024. The corrected hard copies must be firmly bound along the left hand side not at the top. (EMA) [Entered: 02/20/2024 06:01 PM]  
1 pg, 157.17 KB

02/21/2024 ☐ 52 ORDER (Clerk) denying as presented the Appellant's Second Motion for Leave to File Overlength Reply Brief Containing Additional 1,500 to 1,700 Words. Appellant may file a reply brief containing no more than 7,800 words. Appellant must include a Certification of the Word Count at the time of file the reply brief. Appellant's reply brief must be filed and served within 21 days from the date of service of Appellee's brief. (JK) [Entered: 02/21/2024 10:58 AM]  
1 pg, 56.89 KB

02/21/2024 ☐ 53 ECF FILER: LETTER from Attorney Mark A.. Kriegel, Esq. for Appellees Mark A.. Kriegel, Esq., Law Office of Mark A Kriegel LLC, Naturasource International LLC and Laszlo Pokorny Letter Regarding Brief Submission. Certificate of Service dated 02/21/2024. Service made by ECF, Email. [23-2982] (MAK) [Entered: 02/21/2024 03:35 PM]  
1 pg, 151.38 KB

02/22/2024 ☐ 54 HARD COPY RECEIVED from Appellees Colgate Palmolive Co and Hills Pet Nutrition - Brief. Copies: 7. (KEL) [Entered: 02/22/2024 02:39 PM]

02/22/2024 ☐ 55 HARD COPY RECEIVED from Appellees Todd B. Buck, Esq., Rudolph J. Burshnic, II, Terry D. Johnson, Morgan Lewis & Bockius LLP and Richard G. Rosenblatt - Brief. Copies: 7. (KEL) [Entered: 02/22/2024 02:41 PM]

02/23/2024 ☐ 56 Appellant Ricky Kamdem-Ouaffo verbally granted an extension of time to file reply brief until 03/26/2024 pursuant to 3d Cir. L.A.R. 31.4. (JK) [Entered: 02/23/2024 12:40 PM]

02/26/2024 ☐ 57 HARD COPY RECEIVED from Appellees Law Office of Gerard M Green and Frank Orbach - Supplemental Appendix. Copies: 4. Volumes: 1. (EMA) [Entered: 02/27/2024 05:41 PM]

02/27/2024 ☐ 58 MOTION filed by Appellant Ricky Kamdem-Ouaffo for Oral Argument. Response due on 03/08/2024. Certificate of Service dated 02/27/2024. Service made by Email. SEND TO THE MERITS PANEL.--[Edited 03/06/2024 by PDB] (JK) [Entered: 02/29/2024 01:33 PM]  
15 pg, 349.97 KB

03/07/2024 ☐ 59 TEXT ONLY ORDER (Clerk) directing Attorney Azeem M. Chaudry, Esq. for Appellee Vincent Leblon to submit 7 hard copies in red covers for the brief e-filed on 02/20/2024. Due on or before 03/12/2024. (MCW) [Entered: 03/07/2024 04:44 PM]  
1 pg, 176.01 KB

03/12/2024 ☐ 60 HARD COPY RECEIVED from Appellee Vincent Leblon - Brief. Copies: 7. (KEL) [Entered: 03/12/2024 11:38 AM]

03/26/2024 ☐ 61 PRO SE REPLY BRIEF on behalf of Appellant Ricky Kamdem-Ouaffo. Certificate of Service dated 03/26/2024 by ECF. (MCW) [Entered: 03/26/2024 04:07 PM]  
131 pg, 5.31 MB

04/03/2024 ☐ 62 HARD COPY RECEIVED from Appellant Ricky Kamdem-Ouaffo - Pro Se Reply Brief. Copies: 7. (PAR) [Entered: 04/03/2024 02:49 PM]

05/16/2024 ☐ 63 CALENDARED for Thursday, 06/06/2024. (KY) [Entered: 05/16/2024 12:37 PM]  
1 pg, 147.32 KB

05/21/2024 ☐ 64 MOTION filed by Appellant Ricky Kamdem-Ouaffo for Judicial Notice. Response due on 05/31/2024. Certificate of Service dated 05/21/2024. Service made by Email, ECF. (JK) [Entered: 05/21/2024 11:48 AM]  
274 pg, 20.74 MB

06/01/2024 ☐ 65 DOCUMENT filed by Appellant Ricky Kamdem-Ouaffo titled Reply Brief in Support of Motion for Judicial Notice. Certificate of Service dated 06/01/2024. Service made by Email, ECF. (JK) [Entered: 06/03/2024 10:46 AM]  
18 pg, 385.32 KB

06/06/2024 ☐ 66 SUBMITTED (Pro Se - 3rd Cir. LAR 34.1 (a)) on Thursday, June 06, 2024. Panel: JORDAN, PHIPPS, NYGAARD, Circuit Judges. (KY) [Entered: 06/06/2024 09:07 AM]  
1 pg, 50.38 KB

06/24/2024 ☐ 67 SUPPLEMENT filed by Appellant Ricky Kamdem-Ouaffo to Motion for Judicial Notice. Certificate of Service dated 06/24/2024. Service made by ECF, Email. (JK) [Entered: 06/24/2024 02:38 PM]  
64 pg, 2.76 MB



06/28/2024	<input type="checkbox"/> <u>68</u> 20 pg, 698.76 KB	DOCUMENT filed by Appellant Ricky Kamdem-Ouaffo. Courtesy Copies of Criminal and Civil Decisions in Patentee Mas' Court Cases.. (JK) [Entered: 07/01/2024 11:43 AM]
07/01/2024	<input type="checkbox"/> <u>69</u> 8 pg, 87.1 KB	NOT PRECEDENTIAL PER CURIAM OPINION Coram: JORDAN, PHIPPS and NYGAARD, Circuit Judges. Total Pages: 8. We deny Kamdem-Ouaffo's request/motion pursuant to Local Appellate Rule 34.1(b) for oral argument. We likewise deny his motion for judicial notice. (JK) [Entered: 07/01/2024 02:09 PM]
07/01/2024	<input type="checkbox"/> <u>70</u> 5 pg, 34.43 KB	JUDGMENT, Affirmed. Costs taxed against Appellant. (JK) [Entered: 07/01/2024 02:12 PM]
07/08/2024	<input type="checkbox"/> <u>71</u> 37 pg, 1.92 MB	PETITION filed by Appellant Ricky Kamdem-Ouaffo for Rehearing En Banc and before Original Panel. Certificate of Service dated 07/08/2024. (JK) [Entered: 07/08/2024 03:54 PM]
07/30/2024	<input type="checkbox"/> <u>72</u> 2 pg, 86.34 KB	ORDER (CHAGARES, Chief Judge, JORDAN, HARDIMAN, SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, CHUNG and NYGAARD*, Circuit Judges) denying Petition for en banc and panel rehearing filed by Appellant Ricky Kamdem-Ouaffo. PHIPPS, Authoring Judge. *Judge Nygaard's vote is limited to panel rehearing. (JK) [Entered: 07/30/2024 11:22 AM]
08/07/2024	<input type="checkbox"/> <u>73</u> 12 pg, 245.23 KB	MANDATE ISSUED. (PDB) [Entered: 08/07/2024 10:05 AM]
09/24/2024	<input type="checkbox"/> <u>74</u> 1050 pg, 42.85 MB	MOTION filed by Appellant Ricky Kamdem-Ouaffo for a Notice Pursuant to the Fifth Amendment of the Constitution of the United States that Defendants-Appellees could be deprived as a result of a sua ponte motion and/or action of the US Court fo Appeals under Article III Section 2 of the constitution of the United or as a result of the outcome of a cross-motion filed by Plaintiff-Appellant in USCA3 cases no. 23-2982, 16-1006, 21-1198, 21-2304. Certificate of Service dated 09/24/2024. Service made by Email, ECF. (JK) [Entered: 10/08/2024 05:47 PM]
10/15/2024	<input type="checkbox"/> <u>75</u> 1 pg, 55.23 KB	ORDER (Clerk) no action will be taken on the Motion filed by Appellant Ricky Kamdem-Ouaffo for a Notice Pursuant to the Fifth Amendment of the Constitution of the United States that Defendants-Appellees Could be Deprived as a Result of a Sua Ponte Motion. With the issuance of the Court's mandate, the Court's decision became final, and the Court lost any authority to alter or change it decision. Any further review must be sought in the United States Supreme Court.. (JK) [Entered: 10/15/2024 10:48 AM]
10/15/2024	<input type="checkbox"/> <u>76</u> 3 pg, 86.54 KB	Notice from US Supreme Court, extending the time to file a writ of certiorari to 12/27/2024. (JK) [Entered: 10/17/2024 06:06 PM]
11/01/2024	<input type="checkbox"/> <u>77</u> 22 pg, 431.19 KB	RESPONSE to Docket Numbers 76 and 75 filed by Appellant Ricky Kamdem-Ouaffo. Certificate of Service dated 11/01/2024. Service made by ECF, Email. (JK) [Entered: 11/25/2024 04:39 PM]

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 23-2982

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RICKY KAMDEM-OUAFFO, PHD,  
Appellant

v.

COLGATE PALMOLIVE CO; HILLS PET NUTRITION; NATURASOURCE  
INTERNATIONAL LLC; REARDON ANDERSON LLC; MORGAN LEWIS &  
BOCKIUS LLP; LAW OFFICE OF MARK A KRIEGEL LLC; VINCENT LEBLON  
J.S.C.; TERRY D. JOHNSON, ESQ.; TODD B. BUCK, ESQ.; MARK A. KRIEGEL,  
ESQ.; LASZLO POKORNY; MS. KIM; ALLISON A. KRILLA, ESQ.; ERIK  
ANDERSON, ESQ.; RUDOLPH J. BURSHNIC, II, ESQ.; RICHARD G.  
ROSENBLATT, ESQ.; CLERK NEW JERSEY SUPERIOR COURT; DEBRA  
NICHOLS; DAVE BALOGA; SARAH B. MARTINEZ; LUIS J. MONTELONGO;  
BRENT K. POPE; DENNIS JEWELL; LYNDIA MELENDEZ; JASON, Hon. Leblon's  
Law Clerk; COLGATES SCIENCE & TECHNOLOGY; DONALD TRAUT; AKEEL A.  
QURESHI; ATTORNEY GENERAL NEW JERSEY; LAW OFFICE OF GERARD M  
GREEN; FRANK ORBACH; JOHN J. HOFFMAN, Attorney General;  
SHANNON MCGARRAH; THOMAS HOXIE; MARK DELUCA; MICHAEL  
STRAHER; CLIFFORD WILKINS; WILLIAM BROGAN; DAWN GARDNER;  
BRIAN BELLES; MICHAEL DIDAS; SHARON HUANG; RYAN FLANDRO; TODD  
KLEIN; NIKHIL HEBLE; JUDY CHUNG; MICHAEL JORDAN; ANNE ST.  
MARTIN; GEORGE WANG; SAMIA CHAUDRY; SANGIL LEE; CORY S. POKER;  
MATTHEW HERD; YIQUIN ZHAO; JACOB BLUMERT; HARVEY LIU;  
MARIO DEREVJANIK; KRISANNE LANE; GEORGE SANG; SAMUEL KATZ;  
THOMAS M. HUNTER; ROBERT T. LOUGY; A. LISA PUGLISI;  
IAN SUPERIOR COURT MIDDLESEX COUNTY; DEBRA L. STOREY;  
KLJ TRANSCRIPTION SERVICES, LLC; JOHN AND/OR JANE DOES 1-10;  
ABC CORPORATIONS 1-10

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(D.C. Civil Action No. 2-22-cv-06623)

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SUR PETITION FOR REHEARING

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Present: CHAGARES, *Chief Judge*, JORDAN, HARDIMAN, SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, CHUNG, and NYGAARD,\* *Circuit Judges*.

The petition for rehearing filed by **appellant** in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Peter J. Phipps  
Circuit Judge

Date: July 30, 2024  
JK/cc: Ricky Kamdem-Ouaffo  
All Counsel of Record

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\* Judge Nygaard's vote is limited to panel rehearing.

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

RICKY KAMDEM-OUAFFO, PhD t/a	:	
KAMDEM GROUP,	:	
	:	
Plaintiff,	:	Civil Action No.: 2:22-cv-6623
	:	
v.	:	
	:	<b>OPINION</b>
COLGATE PALMOLIVE CO., <i>et al.</i> ,	:	
	:	
Defendants.	:	

CECCHI, District Judge

This matter comes before the Court on the following motions to dismiss *pro se* Plaintiff Ricky Kamdem-Ouaffo’s (“Plaintiff”) First Amended Complaint (ECF No. 38, hereinafter “FAC”):

1. Morgan, Lewis & Bockius LLP, Terry D. Johnson, Richard G. Rosenblatt, Todd B. Buck, and Rudolph J. Burshnic II’s (together, the “**Morgan Lewis Defendants**”) motion to dismiss (ECF No. 40) the FAC;
2. Reardon Anderson, LLC, Erik Anderson, Esq., and Allison K. Krilla, Esq.’s (together, the “**Reardon Anderson Defendants**”) motion to dismiss (ECF No. 45) the FAC;
3. Mark A. Kriegel, Esq., Law Office of Mark A. Kriegel, LLC, Naturasource International, LLC, and Laszlo Pokorny’s (together, the “**Naturasource Defendants**”) motion to dismiss (ECF No. 49) the FAC;
4. Colgate-Palmolive Company and Hill’s Pet Nutrition, Inc.’s (together, the “**Colgate Defendants**”) motion to dismiss (ECF No. 50) the FAC;

5. The Honorable Vincent LeBlon, J.S.C., Michelle M. Smith, Clerk of the Superior Court of New Jersey, Jason Scotto D’Aniello, Esq., Ian Ratzlaff (together, the “**Judicial Defendants**”), the Attorney General of New Jersey, former Acting Attorney General John J. Hoffman, the Honorable Robert T. Lougy, A.J.S.C., the Honorable Lisa A. Puglisi J.S.C., and Akeel Qureshi, Esq.’s (together, the “**AG Defendants**”) motion to dismiss (ECF No. 53) the FAC; and
6. Frank Orbach and Law Office of Gerard M. Green’s (together, the “**Orbach Defendants**”) motion to dismiss (ECF No. 54) the FAC.

Plaintiff has made a number of opposition filings in response to Defendants’ various motions. ECF Nos. 57, 59-61, 64-66, 74-75. The Naturasource Defendants filed a reply (ECF No. 62), as did the Orbach Defendants (ECF No. 69). The Court decides this matter without oral argument pursuant to Fed. R. Civ. P. 78(b). For the reasons set forth below, Defendants’ motions to dismiss are **GRANTED** and Plaintiff’s FAC is dismissed.<sup>1</sup>

## **I. BACKGROUND**

The instant action represents Plaintiff’s fourth attempt in federal court to relitigate issues that were the subject of his initial 2013 lawsuit in the Superior Court of New Jersey. *See Ricky Emery Kamdem Ouaffo t/a Kamdem Grp. v. Colgate, et al.*, No. MID-L-5527-13 (N.J. Super. Ct.,

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<sup>1</sup> The Court has also reviewed numerous applications filed by Plaintiff seeking leave to file cross-motions against various Defendants. *See* ECF Nos. 52, 55-56, 68. Because the Court dismisses the FAC herein, Plaintiff’s applications are denied as moot. In any event, to the extent Plaintiff’s cross-motions seek a finding of misconduct as to numerous federal judges or disbarment of the attorney Defendants, *see id.*, Plaintiff’s requests are without merit. *See Truong v. Barnard*, No. 20-cv-00074, 2020 WL 5743035, at \*6 (D.N.J. Sept. 24, 2020) (denying *pro se* plaintiff’s cross-motion for sanctions against defendant and his attorneys for alleged “material misrepresentations of fact and or [ ] law to mislead the court to obstruct justice and/or delay the proceeding”). Nevertheless, the Court hereby grants Plaintiff’s requests (ECF Nos. 63, 67) that the Court accept and consider his corrected opposition briefing.

Law Div.) (hereinafter, the “State Court Action”).<sup>2</sup> There, Plaintiff filed suit against, among others, the Colgate Defendants and Defendant Naturasource for alleged misappropriation of Plaintiff’s proprietary pet food flavoring information. *See Kamdem-Ouaffo v. Colgate Palmolive Co.*, No. 15-cv-7902, 2021 WL 321418, at \*2 (D.N.J. Jan. 31, 2021) (hereinafter, the “Colgate Action”) (providing history of Plaintiff’s various lawsuits). Plaintiff’s claims were dismissed against Defendant Colgate in 2014, summary judgment was awarded to the remaining defendants in 2015, and Plaintiff’s state court complaint was thereafter dismissed with prejudice. *Id.* In dismissing the action, Defendant Judge LeBlon found that “there is no basis for any of the plaintiff’s claims contained in his complaint.” *Id.* (internal quotation marks omitted).

Around the same time, Plaintiff removed the State Court Action to federal court. *See Kamdem Ouaffo v. Naturasource Int’l, LLC*, No. 15-cv-6290, 2015 WL 5722837 (D.N.J. Sept. 29, 2015) (hereinafter, the “Removal Action”). However, the Honorable Anne E. Thompson promptly remanded Plaintiff’s case on grounds that his removal was untimely, and his complaint presented neither federal question nor diversity jurisdiction. *Id.* at \*2-3. Judge Thompson opined that Plaintiff’s removal was “an attempt to ‘delay the inevitable’” outcome in the State Court Action. *Id.* at \*3. Plaintiff’s request for reconsideration of that ruling was also denied. *See Kamdem Ouaffo v. Naturasource Int’l, LLC*, No. 15-cv-6290, 2015 WL 6524182 (D.N.J. Oct. 28, 2015).

In October 2015, Plaintiff initiated a separate suit in federal court against Defendant Judge LeBlon, the Reardon Anderson Defendants (Plaintiff’s counsel in the State Court Action), certain

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<sup>2</sup> In ruling on a motion to dismiss, the Court may take judicial notice of “matters of public record, orders, and items appearing in the record of the case,” including “judicial proceeding[s] from a different court or case.” *In re Able Lab’ys Sec. Litig.*, No. 05-cv-2681, 2008 WL 1967509, at \*17 n.21 (D.N.J. Mar. 24, 2008); *see also S. Cross Overseas Agencies, Inc. v. Wha Kwong Shipping Grp. Ltd.*, 181 F.3d 410, 426 (3d Cir. 1999); *see also Gupta v. Wipro Ltd.*, No. 17-cv-1954, 2017 WL 6402636, at \*10 (D.N.J. Dec. 15, 2017) (taking judicial notice of a separate judicial ruling “as [the Court] is permitted to do on a motion to dismiss on the ground of *res judicata*”).

of the Morgan Lewis Defendants (counsel for the Colgate Defendants in the State Court Action), and Defendant Kriegel (counsel to the Naturasource Defendants in the State Court Action). *See Ricky Emery Kamdem Ouaffo t/a Kamdem Grp. v. LeBlon*, No. 15-cv-7481, 2015 WL 9463091, at \*2 (D.N.J. Dec. 21, 2015) (hereinafter, the “LeBlon Action”). Plaintiff alleged that those defendants unlawfully conspired to dismiss Plaintiff’s complaint in the State Court Action to satisfy their own personal interests. *Id.* at \*2. Judge Thompson dismissed Plaintiff’s claims against those defendants, *see id.* at \*4, and the Third Circuit affirmed that judgment, *Kamdem-Ouaffo v. LeBlon*, 673 F. App’x 223 (3d Cir. 2016). The Third Circuit opined that Plaintiff’s allegations in the LeBlon Action were “entirely irresponsible” and “based on nothing more than the fact that the court ruled against him.” *Id.* at 226.

In November 2015, Plaintiff initiated a third federal case against the Colgate Defendants and Naturasource Defendants, in which three amended complaints were filed. *Colgate Palmolive Co.*, 2021 WL 321418, at \*3. In substance, Plaintiff realleged the same claims that were adjudicated in the State Court Action. *Kamdem-Ouaffo v. Colgate Palmolive Co.*, No. 15-cv-7902, 2023 WL 4287611, at \*1 (D.N.J. June 30, 2023) (“In his federal complaint, and three amended complaints filed thereafter . . . Plaintiff reasserted essentially the same arguments and claims he litigated to final judgment in the New Jersey Superior Court.”). This Court dismissed Plaintiff’s third amended complaint with prejudice, *see Colgate Palmolive Co.*, 2021 WL 321418, at \*4-7, and the Third Circuit affirmed that judgment under the doctrine of *res judicata*, *see Kamdem-Ouaffo v. Colgate Palmolive Co.*, No. 21-1198, 2022 WL 382032 (3d Cir. Feb. 8, 2022).



Thereafter, Plaintiff filed and this Court denied three motions for reconsideration of the Colgate Action's dismissal.<sup>3</sup> *Colgate Palmolive Co.*, 2023 WL 4287611, at \*1.

Now, in his fourth federal action, Plaintiff seeks relief against the above-named defendants. *See generally* FAC. Interpreting Plaintiff's FAC liberally, he alleges the following causes of action: (i) fraud on the Superior Court of New Jersey; (ii) fraud on the United States District Court for the District of New Jersey; (iii) aiding and abetting fraud on the Superior Court of New Jersey and federal District Court of New Jersey; (iv) breach of fiduciary duty and the duty of care; (v) legal malpractice predicated on attorney negligence; (vi) violations of 42 U.S.C. § 1983; (vii) violations of the Fourteenth Amendment; (viii) violations of the Defend Trade Secrets Act of 2016; (ix) breach of a confidentiality agreement between Defendant Colgate and Defendant Naturasource; (x) breach of a confidentiality agreement between Defendant Naturasource and Plaintiff; (xi) tortious interference with Plaintiff's business opportunities; (xii) conspiracy and collusion; and (xiii) unjust enrichment. Defendants moved to dismiss Plaintiff's FAC (ECF Nos. 40, 45, 49, 50, 53-54) in February and March 2023, and Plaintiff submitted several filings in opposition (ECF Nos. 57, 59-61, 64-66, 74-75). The Naturasource Defendants filed a reply (ECF No. 62) on March 24, 2023, as did the Orbach Defendants (ECF No. 69) on April 10, 2023.<sup>4</sup>

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<sup>3</sup> Plaintiff has also filed numerous additional unsuccessful motions seeking relief from prior judgments in the State Court Action, Removal Action, LeBlon Action, and before the Third Circuit. *See* ECF No. 40-1 at 9-12 (recounting Plaintiff's motion practice).

<sup>4</sup> Defendants also note that, throughout his filings and in correspondence with the parties, Plaintiff has made a number of inappropriate assertions. For example, in a January 2023 email to certain of the Morgan Lewis and Naturasource Defendants, Plaintiff asserted that Defendants engaged in "abysmal sexual intercourse depravity," and stated, "[w]e do not hesitate about denouncing improper sexual intercourse fornicators like you, and when the form of government permits we will identify improper sexual inter[co]urse fornicators like you to [ ] the government to be prosecuted and punished, including death sentence if the Jihad/Sharia law so determines." ECF No. 40-2. In the Colgate Action, Plaintiff made similar accusations against the Court, claiming that its prior orders have "been about SEX and MONEY, and nothing else about the laws of the United States." *Kamdem-Ouaffo v. Colgate Palmolive Co.*, No. 15-7902, 2023 WL 4287611, at \*2 n.1 (D.N.J. June 30, 2023). In that case, Plaintiff also asserted that the Third Circuit Court of Appeals only credited his "argument to the extent that it does not conflict with the Circuit Judges' personal financial,

## II. LEGAL STANDARD

### a. Dismissal Under Fed. R. Civ. P. 12(b)(1)

A court must grant a motion to dismiss under Fed. R. Civ. P. 12(b)(1) if it determines that it lacks subject matter jurisdiction over a claim. *In re Schering Plough Corp. Intron/Temodar Consumer Class Action*, 678 F.3d 235, 243 (3d Cir. 2012). “Generally, where a defendant moves to dismiss under Rule 12(b)(1) . . . the plaintiff bears the burden of proving by a preponderance of the evidence that the Court has subject matter jurisdiction.” *The Connelly Firm, P.C. v. U.S. Dep’t of the Treasury*, No. 15-cv-2695, 2016 WL 1559299, at \*2 (D.N.J. Apr. 18, 2016) (citing *Gould Elecs. Inc. v. United States*, 220 F.3d 169, 178 (3d Cir. 2000)). “When a party moves to dismiss prior to answering the complaint . . . the motion is generally considered a facial attack.” *Saint-Jean v. Cnty. Of Bergen*, 509 F. Supp. 3d 87, 97 (D.N.J. 2020) (quoting *Leadbeater v. JPMorgan Chase, N.A.*, No. 16-cv-7655, 2017 WL 4790384, at \*3 (D.N.J. Oct. 24, 2017)). When addressing a facial attack to subject matter jurisdiction, “the court looks only at the allegations in the pleadings and does so in the light most favorable to the [non-moving party].” *U.S. ex rel. Atkinson v. PA Shipbuilding Co.*, 473 F.3d 506, 514 (3d Cir. 2007).

### b. Dismissal Under Fed. R. Civ. P. 12(b)(6)

To survive dismissal under Fed. R. Civ. P. 12(b)(6), a complaint must meet the pleading requirements of Rule 8(a)(2) and “contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citations omitted). In evaluating the sufficiency of a complaint, a court must draw all reasonable inferences in favor of the non-moving party. *Phillips v. Cnty. Of Allegheny*, 515 F.3d 224, 234 (3d Cir. 2008). *Pro se* complaints

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improper sexual intercourse, and political interests.” *Id.* As has been previously stated, this Court is in no way influenced by these comments and continues to liberally construe Plaintiff’s *pro se* pleadings and examine the relevant arguments made therein.

are liberally construed and held to less stringent standards than pleadings drafted by lawyers. *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 244-45 (3d Cir. 2013) (“[P]ro se litigants still must allege sufficient facts.”). A *pro se* complaint will be dismissed if “it appears ‘beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.’” *Mishra v. Fox*, 197 F. App’x 167, 168 (3d Cir. 2006) (citation omitted).

### **III. DISCUSSION**

Plaintiff’s FAC is asserted against three general categories of defendants: (i) Defendant Judge LeBlon and employees of the Superior Court of New Jersey; (ii) attorneys who represented Plaintiff or certain defendants in the State Court Action and/or appeared as counsel in Plaintiff’s federal cases; and (iii) corporate entities who were defendants in the State Court Action and their agents. For the reasons set forth below, this Court finds that dismissal of Plaintiff’s claims is appropriate as to each category of defendants.

#### **a. Absolute Judicial and Quasi-Judicial Immunity**

Plaintiff’s claims against the Judicial Defendants must be dismissed because the Judicial Defendants are entitled to absolute judicial or quasi-judicial immunity. “As a general rule, judges acting in their judicial capacity are absolutely immune (in both their individual and official capacities) from suit for monetary damages.” *Montana v. Connor*, 817 F. Supp. 2d 440, 445 (D.N.J. 2011). “A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority.” *Azubuko v. Royal*, 443 F.3d 302, 303 (3d Cir. 2006). Rather, judicial immunity is only overcome if (1) the Judge’s “actions [are] not taken in the judge’s judicial capacity,” or (2) the judge’s actions, even if judicial in nature, are “taken in the complete absence of all jurisdiction.” *Mireles v. Waco*, 502 U.S. 9, 11 (1991); *see also Azubuko*, 443 F.3d at 303. Employees of the court may also be absolutely immune from suit under the doctrine of quasi-judicial immunity for their actions in aid of the court. *See Gallas v.*

*Supreme Ct. of Pennsylvania*, 211 F.3d 760, 772-73 (3d Cir. 2000) (collecting cases) (affording quasi-judicial immunity to deputy court administrator who acted at the direction of the judge); *Lepre v. Tolerico*, 156 F. App'x 522, 525 (3d Cir. 2005) (affirming district court's grant of quasi-judicial immunity to family court officers who filed a petition to enforce a court order).

Here, Plaintiff's allegations, even liberally construed, could not defeat judicial immunity. Plaintiff's claims against Judge LeBlon stem entirely from allegations that Judge LeBlon (i) improperly presided over a summary judgment hearing in August 2015 without jurisdiction to do so, *see, e.g.*, FAC at ¶¶ 176-77, 196-98, 217, 264-65, 313; (ii) withheld allegedly fabricated documents, deemed for attorneys' eyes only, that were relied upon to rule against Plaintiff, *see, e.g., id.* at ¶¶ 161-64, 168, 216; and (iii) erroneously entered summary judgment against Plaintiff in the State Court Action, *see id.* at ¶¶ 167, 199, 325. Such conduct was taken in Judge LeBlon's judicial capacity. *See, e.g., Lewis v. Diaz-Petti*, No. 22-cv-03242, 2023 WL 3072684, at \*6 (D.N.J. Apr. 21, 2023) (finding that judges who "ruled on Plaintiff's motions as part of their duties as presiding officers" acted in their judicial capacities); *Vaughn v. Waters*, No. 09-cv-3109, 2009 WL 2602205, at \*4 (D.N.J. Aug. 24, 2009) (holding that presiding over a trial was conduct taken in the judge's judicial capacity).

Plaintiff also fails to allege that Judge LeBlon took these actions in the complete absence of all jurisdiction. He merely asserts that Judge LeBlon lacked subject matter jurisdiction to rule on summary judgment motions in the State Court Action following Plaintiff's notice of removal to federal court. *See, e.g.*, FAC at ¶¶ 196-98, 313. However, even if true, such conduct constitutes "an act in excess of jurisdiction [rather than] one in the absence of jurisdiction." *See Figueroa v. Blackburn*, 208 F.3d 435, 444 (3d Cir. 2000); *see also Classic Distributors, Inc. v. Zimmerman*, 387 F. Supp. 829, 835 (M.D. Pa. 1974) (finding that a state judge's "retention of jurisdiction after

the case had been removed . . . was at worst an act in excess of his jurisdiction”); *Duffy v. George*, No. 14-cv-02111, 2015 WL 9460135, at \*5 (M.D. Pa. Dec. 23, 2015), *aff’d* 669 F. App’x 73 (3d Cir. 2016) (finding same). Actions taken in excess of jurisdiction are protected by absolute judicial immunity. *Figueroa*, 208 F.3d at 440 (internal quotation marks and citation omitted).

Likewise, a finding of quasi-judicial immunity is appropriate as to the remaining Judicial Defendants. Plaintiff contends that Defendant Smith, while operating as Clerk of the Superior Court of New Jersey, aided and abetted Judge LeBlon’s alleged fraud by scheduling a hearing and making certain docket entries. *See, e.g.*, FAC at ¶¶ 264-66, 313, 337. Defendant Smith’s actions taken in support of the Court and in her capacity as Clerk of the Court are protected by absolute quasi-judicial immunity. *See Nemeth v. Off. of Clerk of Superior Ct. of New Jersey*, 837 F. App’x 924, 928 (3d Cir. 2020) (finding Defendant Smith was “entitled to absolute quasi-judicial immunity for her actions taken in her capacity as the Clerk of the Superior Court”); *see also Gallas*, 211 F.3d at 772-73. Similarly, Plaintiff alleges that (i) Defendant Ratzlaff, while operating as the Middlesex County Civil Division Manager, took custody of and withheld “unlawfully sealed” documents submitted during the State Court Action, FAC at ¶¶ 2567-68; and (ii) Defendant D’Aniello, while operating as Judge LeBlon’s law clerk, aided and abetted the alleged fraud by drafting and presenting a proposed order to the state court in connection with the summary judgment filings in the State Court Action, *id.* at ¶¶ 262-63. Such actions taken by judicial staff in aid of the court are also protected by absolute quasi-judicial immunity. *See Stephens v. Martini*, No. 22-cv-1971, 2022 WL 1237786, at \*3 (D.N.J. Apr. 26, 2022) (finding “law clerks, case managers, administrators, [and] other court staff” who “function[ ] as an arm of the court or who are acting at the direction of the judge” are entitled to absolute quasi-judicial immunity).

Accordingly, all of Plaintiff's claims against the Judicial Defendants must be dismissed as barred by the doctrines of absolute judicial and quasi-judicial immunity.<sup>5</sup>

#### **b. The Litigation Privilege**

New Jersey's litigation privilege "ensures that '[s]tatements by attorneys . . . made in the course of judicial or quasi-judicial proceedings are absolutely privileged and immune from liability.'" *Giles v. Phelan, Hallinan & Schmieg, L.L.P.*, 901 F. Supp. 2d 509, 523 (D.N.J. 2012) (quoting *Peterson v. Ballard*, 679 A.2d 657, 659 (N.J. App. Div. 1996)). The privilege protects "any communication (1) made in judicial or quasi-judicial proceedings; (2) by litigants or other participants authorized by law; (3) to achieve the objects of the litigation; and (4) that have some connection or logical relation to the action." *Allen ex rel. Martin v. LaSalle Bank, N.A.*, 629 F.3d 364, 369 (3d Cir. 2011) (quoting *Hawkins v. Harris*, 141 N.J. 207, 216 (1995)).

The immunity provided by New Jersey's litigation privilege has been applied to "a plethora of tort claims, including . . . fraud . . . abuse of process . . . and civil conspiracy." *Peterson v. HVM LLC*, No. 14-cv-1137, 2016 WL 845144, at \*7 (D.N.J. Mar. 3, 2016). Among others, the privilege extends to "attorneys, parties, and their representatives." *Baran v. ASRC MSE*, No. 22-cv-04391, 2023 WL 2344634, at \*8 (D.N.J. Mar. 3, 2023) (internal citations omitted). Absent explicit statutory abrogation, "the privilege is meant to be 'broadly applicable.'" *Id.* ("Thus the privilege extends to a broad range of litigation-related activities, as well as to a broad range of causes of

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<sup>5</sup> Even if Plaintiff's § 1983 claim seeks injunctive relief against the Judicial Defendants, it must fail. "[I]n any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable." 42 U.S.C. § 1983; *see also Kasperski v. Katz*, No. 22-1792, 2022 WL 17984872, at \*1 (3d Cir. 2022). The Third Circuit has held that where a plaintiff fails to allege "that a declaratory decree was violated or that declaratory relief is unavailable," and where the conduct was taken in a judge's judicial capacity, a claim for injunctive relief is barred. *Azubuko v. Royal*, 443 F.3d 302, 304 (3d Cir. 2006). Here, Plaintiff makes no such contention. *See Tisby v. Lamela*, No. 23-cv-800, 2023 WL 2188757, at \*2 (D.N.J. Feb. 23, 2023) (denying injunctive relief claim against judge for conduct taken in judge's judicial capacity).

action.”) (internal citation omitted). Thus, the privilege also covers certain statutory claims, for example, those brought under 42 U.S.C. § 1983. *See, e.g., Wilson v. New Jersey Div. of Child Prot. & Permanency*, No. 13-cv-3346, 2019 WL 13260178, at \*25 (D.N.J. Aug. 23, 2019) (“I am persuaded that the litigation privilege is consonant with, and indeed deeply embedded in, the common law, and should be honored by a federal court in a § 1983 action.”); *see also Pasqua v. County of Hunterdon*, 721 F. App’x 215, 219 (3d Cir. 2018).

Here, Plaintiff’s claims against the Morgan Lewis Defendants, AG Defendants and Orbach Defendants—all of whom are lawyers or law firms—arise out of alleged conduct that these defendants engaged in during the course of prior litigation. For example, Plaintiff asserts fraud on the court claims against all three sets of Defendants, alleging, among other things (i) that the Morgan Lewis Defendants wrongfully withheld and concealed from Plaintiff over 24,000 documents in the State Court Action that were deemed for attorneys’ eyes only, FAC at ¶¶ 103-05, 168-69; (ii) that the AG Defendants falsely represented the validity of the state court’s summary judgment orders “although they knew that they were VOID and/or had no validity under the constitution of the United States,” FAC at ¶ 186; and (iii) that the Orbach Defendants took the position in litigation “that Plaintiff’s allegations of forgery and collusion” were meritless despite allegedly knowing that the Colgate Defendants were in possession of forged documents, FAC at ¶ 230. This alleged conduct represents written and/or oral statements made in state and federal judicial proceedings (*e.g.*, the State Court Action and LeBlon Action), by counsel representing parties to such proceedings, as they directly related to the claims and defenses asserted in those proceedings. *See, e.g., Thompson v. Eva’s Vill. & Sheltering Program*, No. 09-cv-1510, 2009 WL 3486050, at \*9 (D.N.J. Oct. 28, 2009) (dismissing collusion and intentional fraud claims predicated on “verbal statements and written submissions that [ ] attorneys made in judicial proceedings” as

protected by the litigation privilege). Accordingly, Plaintiff's fraud on the court claims are dismissed against the Morgan Lewis Defendants, AG Defendants and Orbach Defendants.

The FAC also asserts a claim under 42 U.S.C. § 1983 against the Morgan Lewis Defendants and AG Defendants. *See* FAC at ¶¶ 305-39. Plaintiff alleges that the Morgan Lewis Defendants “dishonestly and wrongfully advocat[ed] and urg[ed] the federal courts to rely on and to credit the unconstitutional and VOID State Court Orders” in Plaintiff's prior federal cases, and “caused the [d]ismissal with prejudice by the federal courts of Plaintiff's lawsuit without granting opportunity to the Plaintiff to conduct” discovery. FAC at ¶¶ 325-26. With regard to the AG Defendants, Plaintiff contends that they “dishonestly presented a paper, claim, defense, contention or denial . . . to dishonestly certify that [Judge LeBlon] was just doing his job as Judge when in fact they knew” that the State Court Action was allegedly proceeding unconstitutionally. *Id.* at ¶ 333. Because Plaintiff's § 1983 claim is predicated on the Morgan Lewis Defendants and AG Defendants' efforts to advocate for their clients in the LeBlon and Colgate Actions, even if such advocacy is alleged to have been founded on bad-faith arguments, that conduct is clearly protected by the litigation privilege. *See Loigman v. Twp. Comm. of Twp. of Middletown*, 185 N.J. 566, 586 (2006) (“In applying the privilege, we consider neither the justness of the lawyers' motives nor the sincerity of their communications.”); *id.* at 584 (“We conclude that the litigation privilege applies to § 1983 claims.”). Accordingly, Plaintiff's § 1983 claim is dismissed against the Morgan Lewis Defendants and AG Defendants.<sup>6</sup>

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<sup>6</sup> For the same reasons, Plaintiff's Fourteenth Amendment claim, which is predicated on similar factual allegations, is dismissed against the Morgan Lewis Defendants under the litigation privilege. *See* FAC at ¶¶ 347-51 (alleging that the Morgan Lewis Defendants violated Plaintiff's Fourteenth Amendment rights by participating in and advocating for their client in summary judgment proceedings in the State Court Action). In addition, Plaintiff's Fourteenth Amendment claim fails because the Morgan Lewis Defendants were not state actors in their capacity as private counsel. *See LeBlon*, 673 F. App'x at 226 (affirming dismissal of claims against private attorney defendants because “[p]rivate attorneys—like the attorney defendants here—generally do not qualify as state actors”); *Angelico v. Lehigh Valley Hosp., Inc.*, 184 F.3d



Accordingly, consistent with the remainder of this Opinion, Plaintiff's claims against the Morgan Lewis Defendants, AG Defendants and Orbach Defendants are dismissed.<sup>7</sup>

**c. Plaintiff's Defend Trade Secret's Act of 2016 Claim**

The FAC asserts a claim under the Defend Trade Secrets Act of 2016 ("DTSA") against the Morgan Lewis Defendants, Naturesource Defendants and Colgate Defendants. FAC at ¶¶ 352-402. While the specific allegations against each set of defendants differs, Plaintiff's claim against all three defendant groups arises out of the same purported misappropriations spanning from 2011 to 2015. *See, e.g.*, FAC at ¶ 366 (alleging the Colgate Defendants misappropriated Plaintiff's proprietary information in a 2011 patent publication); ¶¶ 387-88 (alleging Plaintiff's proprietary information was communicated from the Naturesource Defendants to the Morgan Lewis Defendants under a joint defense agreement in the State Court Action, which closed in 2015).

A private action for misappropriation brought under the DTSA "may not be commenced later than 3 years after the date on which the misappropriation with respect to which the action would relate is discovered or by the exercise of reasonable diligence should have been discovered." 18 U.S.C. § 1836(d). "The question before the Court is whether, based on the facts as alleged in the Complaint, Plaintiffs were on notice of their claims." *Nasdaq Inc. v. Miami Int'l Holdings, Inc.*, No. 17-cv-6664, 2023 WL 4740753, at \*8 (D.N.J. July 25, 2023). Here, over eight years

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268, 277 (3d Cir. 1999) ("Attorneys performing their traditional functions will not be considered state actors solely on the basis of their position as officers of the court.").

<sup>7</sup> The Morgan Lewis Defendants, Orbach Defendants and Colgate Defendants alternatively seek dismissal under the *Noerr-Pennington* doctrine to the extent that Plaintiff's claims are predicated on Defendants' litigation activities defending against Plaintiff's prior lawsuits. *See* ECF No. 40-1 at 18-19; 50-1 at 16-15; 54-6 at 13; *see also Winters v. Jones*, No. 16-cv-9020, 2018 WL 326518, at \*7 (D.N.J. Jan. 8, 2018) (finding that the *Noerr-Pennington* doctrine "protects the First Amendment right to petition the Government for redress of grievances"). The Court notes that *Noerr-Pennington* immunity equally applies to the right to defend against a petition. *See, e.g., Freeman v. Lasky, Haas & Cohler*, 410 F.3d 1180, 1184 (9th Cir. 2005) ("*Noerr-Pennington* immunity, and the sham exception, also apply to defensive pleadings . . . because asking a court to deny one's opponent's petition is also a form of petition.").

have elapsed since the conclusion of the State Court Action, the proceedings in which Plaintiff became aware of the conduct underlying his claims. First, Plaintiff must have been aware of the Colgate Defendants' alleged misappropriation by the time he commenced the State Court Action in 2013, because the allegations at issue here arise out of the same conduct alleged in that case. *See* ECF No. 40-1 at 5 ("Mr. Kamdem's allegations in the State Court Action included that the [Colgate] [D]efendants misappropriated his allegedly proprietary pet food flavoring information."). Second, Plaintiff was or reasonably should have been aware of his allegations against the Morgan Lewis Defendants and Naturasource Defendants because they arise out of a joint defense agreement entered in the State Court Action, which concluded in 2015 and Plaintiff participated in. *See* ECF No. 50-1 at 20-21. Thus, Plaintiff's DTSA claim is untimely and must be dismissed.<sup>8</sup>

#### **d. The Doctrine of *Res Judicata***

Plaintiff's remaining claims against the Reardon Anderson Defendants, Colgate Defendants and Naturasource Defendants are barred by the doctrine of *res judicata*. *Res judicata* bars a claim when the following three factors are present: "(1) the final judgment in the prior action must be valid, final, and on the merits; (2) the parties in the later action must be identical to, or in privity with, those in the prior action; and (3) the claim in the later action must grow out of the same transaction or occurrence as the claim in the earlier one." *Hogg's v. New Jersey*, 352 F. App'x 625, 629 (3d Cir. 2009) (internal citation omitted). "If these three factors are present, a

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<sup>8</sup> Plaintiff's DTSA claim is also barred by the doctrine of collateral estoppel, which prohibits relitigation of an issue that was already litigated and essential to final judgment in a prior proceeding involving "the party against whom the doctrine is asserted." *Caver v. City of Trenton*, 420 F.3d 243, 259 (3d Cir. 2005) (citing *Hennessey v. Winslow Township*, 183 N.J. 593, 599 (2005)). The crux of Plaintiff's DTSA claim is that his proprietary information was misappropriated in furtherance of patent applications submitted by the Colgate Defendants. *See* FAC at ¶¶ 366-67, 377-78. However, this Court previously found that the "issue was already decided by the state court in its final judgment on the merits" and "cannot be relitigated." *Colgate Palmolive Co.*, 2021 WL 321418, at \*7.

claim that was or could have been raised previously must be dismissed as precluded.” *CoreStates Bank, N.A. v. Huls Am., Inc.*, 176 F.3d 187, 194 (3d Cir. 1999).

Here, Plaintiff’s claims against the Reardon Anderson Defendants are predicated on their former representation of, and subsequent withdrawal as counsel for, Plaintiff in the State Court Action and their conduct during the course of that litigation. *See, e.g.*, FAC at ¶¶ 163-69, 184, 230-231, 256-57, 274-304. Claims predicated on these same allegations were alleged and adjudicated to final judgment in the LeBlon Action. *See generally LeBlon*, 2015 WL 9463091 (dismissing complaint brought against the Reardon Anderson Defendants arising out of their conduct in and withdrawal from the State Court Action). As noted above, the Third Circuit affirmed that judgment. *See generally LeBlon*, 673 F. App’x 223. To the extent Plaintiff asserts new causes of action arising out of the same alleged conduct, “[r]es judicata applies both to claims actually raised in the prior action and claims which could have been raised but were not.” *Gonzalez-Cifuentes v. I.N.S.*, 253 F. App’x 173, 175 (3d Cir. 2007).

Next, all of Plaintiff’s claims against the Colgate Defendants arise out of the core allegation that they misappropriated Plaintiff’s proprietary pet food flavoring information. *See, e.g.*, FAC at ¶¶ 366, 377, 432-39. However, this same alleged misappropriation was adjudicated to final judgment in the State Court Action and, as a result, this Court already found in the Colgate Action that substantively identical claims against the same defendants were barred by *res judicata*. *See Colgate Palmolive Co.*, 2021 WL 321418, at \*6 (finding that the State Court Action adjudicated “the alleged misuse of Plaintiff’s proprietary information and the fallout from the parties’ business relationship”). Similarly, Plaintiff’s claims against the Naturesource Defendants arise out of the alleged breach of their confidentiality agreements with Plaintiff and Defendant Hill’s Pet Nutrition. *See, e.g.*, FAC at ¶¶ 405, 411-21. Again, these alleged breaches were adjudicated to final judgment

in the State Court Action, as were similar claims against Defendant Kriegel in the LeBlon Action. *See* ECF No. 40-1 at 5; *Colgate Palmolive Co.*, 2021 WL 321418, at \*2 (noting the state court granted summary judgment against Plaintiff on all remaining claims, including “breach of Hill’s Confidential Disclosure Agreement with Naturasource”); *LeBlon*, 2015 WL 9463091, at \*2-4 (dismissing Plaintiff’s claims against Defendant Kriegel related to his representation of the remaining Naturasource Defendants). Plaintiff merely asserting new causes of action and naming Defendant Law Office of Mark A. Kriegel, LLC as a new defendant does not compel a different outcome. *See, e.g., Gonzalez-Cifuentes*, 253 F. App’x at 175; *Schneider v. United States*, No. 06-cv-3200, 2007 WL 4440976, at \*6 (D.N.J. Dec. 17, 2007) (“It is immaterial to considerations of *res judicata* that Plaintiff has named additional defendants in this case . . . [that] are in privity with the previously sued defendants.”); *Perelman v. Adams*, 945 F. Supp. 2d 607, 618-19 (E.D. Pa. 2013) (finding a lawyer in privity with his law firm for purposes of *res judicata* where defendant-lawyer was employed by the law firm at the time of the conduct at issue).<sup>9</sup>

To the extent Plaintiff raises new fraud on the court and legal malpractice claims against these Defendants, those claims fail even if not barred by *res judicata*. *See, e.g.,* FAC at ¶¶ 188, 260-61, 297-98 (claims against Naturasource Defendants); 242-73, 461-66, 480-87 (claims against Colgate Defendants); 213-16, 227-39, 297-99 (claims against Reardon Anderson Defendants). First, Plaintiff has not made any assertions “supported by clear, unequivocal and convincing

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<sup>9</sup> The Court notes that the Morgan Lewis Defendants, Colgate Defendants, and Reardon Anderson Defendants alternatively seek relief under the *Rooker-Feldman* doctrine on grounds that Plaintiff’s claims merely seek this court’s review of final judgments entered in the prior state and federal actions. *See* ECF Nos. 40-1 at 19-20; 50-1 at 8-10; 45 at 13-16; *see also Malhan v. Sec’y United States Dep’t of State*, 938 F.3d 453, 458 (3d Cir. 2019). Those same Defendants, in addition to the Orbach Defendants and Naturasource Defendants, also argue that they are entitled to relief under the doctrine of *collateral estoppel* because Plaintiff’s claims are an attempt to re-litigate issues previously adjudicated in cases where Plaintiff was fully represented. *See, e.g.,* ECF Nos. 49-7 at 3; 54-6 at 13-14; *see also Peloro v. United States*, 488 F.3d 163, 174-75 (3d Cir. 2007).

evidence” to “meet the demanding standard for fraud upon the court.” *Herring v. United States*, 424 F.3d 384, 387 (3d Cir. 2005) (noting such claims are only justified by “the most egregious misconduct directed at the court itself”); *see also Bullock v. Klein*, 502 F. App’x 113, 116 (3d Cir. 2012) (affirming the district court’s dismissal, at the motion to dismiss stage, of plaintiff’s fraud on the court claim where plaintiff failed to meet the *Herring* standard); *Davis v. Cnty. of Allegheny*, No. 18-cv-794, 2018 WL 4005827, at \*2 (W.D. Pa. Aug. 22, 2018), *aff’d* 748 F. App’x 482 (3d Cir. 2019) (rejecting, at the motion to dismiss stage, Plaintiff’s attempt to circumvent the doctrine of *res judicata* with an insufficiently pled fraud on the court claim); *Florimonte v. Borough of Dalton*, No. 17-cv-01063, 2017 WL 7542619, at \*3 (M.D. Pa. Dec. 14, 2017), *report and recommendation adopted* 2018 WL 814004 (M.D. Pa. Feb. 9, 2018) (denying Plaintiff the ability to “reopen and relitigate the very same legal claims arising out of the very same factual scenario” where “[t]he only appreciable difference is her claim that misconduct by the defendant, by counsel for both parties, and by the state-court judge constitutes . . . fraud on the court”).

And second, Plaintiff’s malpractice claim is predicated on alleged conduct engaged in during the State Court Action, in particular regarding the events surrounding the August 2015 summary judgment hearing. FAC at ¶¶ 295-304. Plaintiff admits that he was aware of this alleged conduct at the time in the State Court Action, which was over seven years before Plaintiff commenced the instant case. FAC at ¶ 297 (alleging that Plaintiff “learned from the Briefs filed by [Defendants] in support of their motions for Summary Judgment” about the allegedly negligent conduct). However, “New Jersey’s statute of limitations for legal malpractice [ ] actions is six years.” *Yerkes v. Weiss*, No. 17-cv-2493, 2018 WL 1558146, at \*5 (D.N.J. Mar. 29, 2018) (citing N.J.S.A. 2A:14-1); *see also* ECF No. 45 at 10. Therefore, Plaintiff’s fraud and malpractice claims must be dismissed.

Accordingly, Plaintiff's remaining claims against the Reardon Anderson Defendants, Colgate Defendants and Naturasource Defendants are hereby dismissed.

#### **IV. CONCLUSION**

For the reasons set forth at length above, the following motions are granted: (1) the Morgan Lewis Defendants' motion to dismiss (ECF No. 40); (2) the Reardon Anderson Defendants' motion to dismiss (ECF No. 45); (3) the Naturasource Defendants' motion to dismiss; (4) the Colgate Defendants' motion to dismiss (ECF No. 50); (5) the Judicial and AG Defendants' motion to dismiss (ECF No. 53); and (6) the Orbach Defendants' motion to dismiss (ECF No. 54). Accordingly, because the Court finds that further amendment would be futile, Plaintiff's First Amended Complaint is hereby dismissed with prejudice.<sup>10</sup> An appropriate Order follows.

Date: October 31, 2023

s/ Claire C. Cecchi

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**CLAIRE C. CECCHI, U.S.D.J.**

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<sup>10</sup> See, e.g., *Hilton v. Whitman*, No. 04-cv-6420, 2006 WL 1307900, at \*2 (D.N.J. May 10, 2006) (finding dismissal with prejudice is "appropriate if amendment would be inequitable or futile"); *Del Priore v. Sabo*, No. 19-cv-17806, 2020 WL 1485895, at \*8 (D.N.J. Mar. 27, 2020) (finding amendment futile and dismissing with prejudice where the "*res judicata* doctrine[ ] would independently bar plaintiffs' claims here"); *Savage v. Camden Cnty. Corr. Facility*, No. 16-cv-08199, 2017 WL 1502789, at \*6 (D.N.J. Apr. 26, 2017) (finding claims "must be dismissed with prejudice as [defendants] have absolute judicial immunity"); *Agacoili v. Gonzo*, No. 09-cv-2147, 2010 WL 606697, at \*3-4 (D.N.J. Feb. 18, 2010) (dismissing complaint with prejudice on grounds that litigation privilege barred claims).

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

RICKY KAMDEM-OUAFFO, PhD t/a  
KAMDEM GROUP,

Plaintiff,

v.

COLGATE PALMOLIVE CO., *et al.*,

Defendants.

Civil Action No.: 2:22-cv-6623

**ORDER**

**CECCHI, District Judge**

This matter having come before the Court on the following motions to dismiss *pro se* Plaintiff Ricky Kamdem-Ouaffo's ("Plaintiff") First Amended Complaint (ECF No. 38, hereinafter "FAC"):

1. Morgan, Lewis & Bockius LLP, Terry D. Johnson, Richard G. Rosenblatt, Todd B. Buck, and Rudolph J. Burshnic II's (together, the "**Morgan Lewis Defendants**") motion to dismiss (ECF No. 40) the FAC;
2. Reardon Anderson, LLC, Erik Anderson, Esq., and Allison K. Krilla, Esq.'s (together, the "**Reardon Anderson Defendants**") motion to dismiss (ECF No. 45) the FAC;
3. Mark A. Kriegel, Esq., Law Office of Mark A. Kriegel, LLC, Naturasource International, LLC, and Laszlo Pokorny's (together, the "**Naturasource Defendants**") motion to dismiss (ECF No. 49) the FAC;
4. Colgate-Palmolive Company and Hill's Pet Nutrition, Inc.'s (together, the "**Colgate Defendants**") motion to dismiss (ECF No. 50) the FAC;

5. The Honorable Vincent LeBlon, J.S.C., Michelle M. Smith, Clerk of the Superior Court of New Jersey, Jason Scotto D’Aniello, Esq., Ian Ratzlaff (together, the “**Judicial Defendants**”), and the Attorney General of New Jersey, former Acting Attorney General John J. Hoffman, the Honorable Robert T. Lougy, A.J.S.C., the Honorable Lisa A. Puglisi J.S.C., and Akeel Qureshi, Esq.’s (together, the “**AG Defendants**”) motion to dismiss (ECF No. 53) the FAC; and

6. Frank Orbach and Law Office of Gerard M. Green’s (together, the “**Orbach Defendants**”) motion to dismiss (ECF No. 54) the FAC; and

Plaintiff having made several opposition filings in response to Defendants’ various motions (ECF Nos. 57, 59-61, 64-66, 74-75); the Naturasource Defendants and Orbach Defendants having filed replies (ECF Nos. 62, 69); the Court having decided this matter without oral argument pursuant to Fed. R. Civ. P. 78(b); and for the reasons set forth in the accompanying Opinion;

**IT IS** on this 31st day of October, 2023,

**ORDERED** that the Morgan Lewis Defendants’ motion to dismiss (ECF No. 40) is hereby **GRANTED**; and it is further

**ORDERED** that the Reardon Anderson Defendants’ motion to dismiss (ECF No. 45) is hereby **GRANTED**; and it is further

**ORDERED** that the Naturasource Defendants’ motion to dismiss (ECF No. 49) is hereby **GRANTED**; and it is further

**ORDERED** that the Colgate Defendants’ motion to dismiss (ECF No. 50) is hereby **GRANTED**; and it is further

**ORDERED** that the Judicial Defendants and AG Defendants’ motion to dismiss (ECF No. 53) is hereby **GRANTED**; and it is further



**ORDERED** that the Orbach Defendants' motion to dismiss (ECF No. 54) is hereby  
**GRANTED**; and it is further

**ORDERED** that Plaintiff's First Amended Complaint (ECF No. 38) is hereby  
**DISMISSED WITH PREJUDICE**; and it is further

**ORDERED** that the Clerk of the Court shall close the file on this matter.

**SO ORDERED.**

s/ Claire C. Cecchi

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**CLAIRE C. CECCHI, U.S.D.J.**

**U.S. District Court  
District of New Jersey [LIVE] (Newark)  
CIVIL DOCKET FOR CASE #: 2:22-cv-06623-CCC-JBC**

KAMDEM-OUAFFO, PHD v. COLGATE PALMOLIVE COMPANY et al  
Assigned to: Judge Claire C. Cecchi  
Referred to: Magistrate Judge James B. Clark  
Case in other court: Third Circuit, 23-02982  
Cause: 42:1983 Civil Rights Act

Date Filed: 11/14/2022  
Date Terminated: 10/31/2023  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

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**Additional material  
from this filing is  
available in the  
Clerk's Office.**