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Via ECF.

January 15, 2022

The Honorable Joseph F. Leeson, Jr.
United States District Judge
Eastern District of Pennsylvania
504 West Hamilton Street, Suite 3401
Allentown, Pennsylvania 18101

**Re: Wabote v. Ude
C.A. No. 5:21-cv-02214-JFL.**

Defendant's request for sanctions against the Plaintiff and his Attorneys for committing fraud on the court, for perjury and for acting in subornation of perjury in this case. Alternatively, Defendant requests for an order of this court mandating the Plaintiff and his attorneys to appear and show cause why they should not be held in contempt and/or sanctioned by this court.

Dear Judge Leeson, Jr.,

I am the counsel for the Defendant in this case. It is very painful that the Defendant is making this request in this case. But this has become necessary because Plaintiff and his Attorneys, Michael Cilento and David D. Lin, have deliberately and remorselessly committed fraud on this court with the knowing intention of derailing the course of justice and torpedoing Defendant's access to justice in this case. The Plaintiff has consistently perjured himself and has lied on oath in his discovery responses; while Plaintiff's Attorneys have consistently encouraged him and have acted in subornation of s perjury, to the prejudice of the Defendant and in violation of Defendant's due processes of law rights. Defendant hereby asks for deterrent sanctions against them. Defendant attempted to conference with Plaintiff, but no resolution was achieved.

Defendant respectfully asks the Court to impose the necessary sanctions, or in the alternative, for an order mandating the Plaintiff and his Attorneys, Michael Cilento and David D. Lin, to appear and show cause why they should not be sanctioned by this court for fraud on the court, for committing perjury, and for acting in subornation of perjury.

Plaintiff deliberately perjured himself and lied on oath in his discovery [Interrogatory] responses in this case. Plaintiff's Attorneys are fully aware of plaintiff's conduct. But they acted to encourage Plaintiff, covered up the violations and acted in subornation of perjury. These conducts have prejudiced Defendant's access to justice, and has frustrated Defendant's ability to honestly defend himself in this case.

Defendant's Interrogatory #11 to the Plaintiff requested Plaintiff to: **Identify and clearly state all and every bank, no matter where located, where you have maintained any bank account from 2010 to the present, whether still in operation or closed.** See Exhibit A.

In the Plaintiff's response to this Interrogatory #11, Plaintiff lied on oath and deliberately refused to disclose all his bank accounts. **See Exhibit A, para 11.** Plaintiff signed this document on oath and under the pains and penalties of perjury.

In responding to Defendant's Interrogatory #11, Plaintiff also fraudulently left out several of his bank accounts, especially, his bank accounts with the Zenith Bank of Nigeria and Fidelity Bank of Nigeria.

On or about December 19, 2021, Defendant received the copy of a Petition written by Nigeria's Transparency and Accountability against the Plaintiff, Wabote. **Please see Exhibit B.** The said petition was directed to the Nigerian Code of Conduct Bureau.

This Exhibit B reveals Plaintiff's bank accounts with the Zenith Bank of Nigeria (Account No. 1013755048) and Fidelity Bank of Nigeria (Account No. 4010268127). But Plaintiff deceitfully failed to include these accounts in his response to Defendant's Interrogatory #11. See Exhibit A, paragraph 11.

The Plaintiff's counsel were immediately made aware of Exhibit B. Plaintiff's counsel saw these information and knew that Plaintiff lied on oath. But they took no corrective measure, to the Defendant's detriment and against the honest administration of justice.

Additionally, in #1 of Defendant's second set of Interrogatories to the Plaintiff, Defendant specifically asked Plaintiff to: **Please clearly, fully and specifically state your monthly income (from whatever source) and expenses, and stating clearly and specifically the sources of your stated income, from 2019 to the present.**

But notwithstanding the fact that Plaintiff secretly runs a private registered corporation "with interest in landing state contracts," as revealed by and in Exhibit B, Plaintiff again lied on oath and failed to reveal this company and the illicit flow of funds, in his response to this Interrogatory #1. **Please see Exhibit C.** This deception was also made on oath.

Plaintiff's said corporation is TEE and T Concepts Nigeria Limited, incorporated in Yenegoa, Nigeria with Registration Number 419331.

Plaintiff's attorneys are fully aware of these deceptive misrepresentations. But the Plaintiff's attorneys acted to cover up the lies, in subornation of perjury and to encourage the frauds on the court, to the prejudice and detriment of the Defendant and justice.

The actions of the Plaintiff and his Attorneys were calculated to interfere with this court's ability to impartially adjudicate this case by improperly influencing this court and/or unfairly hampering the presentation of the Defendant's defenses in this case.

"A 'fraud on the court' occurs where it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing party's claim or defense." Rockdale Mgmt. Co. v. Shawmut Bank, N.A., 418 Mass. at 598, quoting from Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1118 (1st Cir. 1989).

Truth needs no disguise. Hazel Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238247 (1944). An effective judicial system depends on the honesty and integrity of lawyers who appear in their tribunals. Matter of Finnerty, Thomas E., 418 Mass. 821, 829.

The Plaintiff and his Attorneys are not forthright. They have soiled the integrity of the legal system. Navarro-Ayala v. Nunez, 968 F.2d 1421, 1426 (1st Cir. 1992) (“[C]ourts **cannot function if lawyers and litigants are not forthright.**”). It is part of a lawyer's overall obligation to the court, and to the judicial system, to help that system function properly to achieve the just resolution of controversies; and which is “meant, in some small degree, to enlist the bar in the enterprise of administering the law, thereby making it more difficult for the strong or wealthy, to use the very costs of the legal system to undermine its basic objectives.” Unanue-Casal v. Unanue-Casal, 898 F.2d 839, 842 (1st Cir. 1990). Defendant's request for sanctions should be allowed in the interest of justice.

Defendant's Requests:

Defendant asks for sanctions against the Plaintiff and his Attorneys pursuant the inherent jurisdiction of this court to do justice, and pursuant to Fed.R.Civ.P. 37(b)(2)(A)(i)-(vi) for the Plaintiff's truncation of the discovery process and the commission of frauds on the court. Alternatively, Defendant asks for an order mandating the Plaintiff and his Attorneys to appear and show cause why they should not be held in contempt of court, and/or be sanctioned severely. Tampering with the administration of justice in the manner exhibited herein involves more than an injury to a single litigant. Hazel-Atlas, at 246.

Additionally, pursuant to 37(b)(2)(C), Defendant requests that the Plaintiff and his Attorneys be ordered to pay for the Defendant's attorneys' fees and expenses.

Sincerely,

/s/Benneth O. Amadi

Benneth O. Amadi, Esquire.