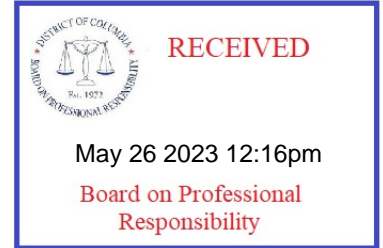


DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY



In the Matter of :

:

:

KISSINGER N. SIBANDA, ESQUIRE :

:

:

Respondent, :

:

:

An Active Member of the Bar of :

:

the District of Columbia Court of Appeals :

:

:

Bar Number 1017426 :

:

Date of Admission: December 9, 2013 :

:

:

RESPONDENT'S ANSWER

Notwithstanding the pending motion to stay these proceedings

Respondent avers as follows; the denied facts are in **bold** and were

the Office of Disciplinary Counsel's (ODC) original assertions.

1. **DENY.** Respondent is *also* a member of the Second Circuit and United States Supreme Court; in addition to the District of Columbia Bar. ODC has incomplete facts. He was the first American attorney to achieve a dual Masters in Litigation and holds a PhD in Law, (SJD) from Suffolk School of Law in Boston, Massachusetts. Respondent is also an accomplished writer and movie director: <https://www.imdb.com/name/nm3879098/> **Respondent is a member of the District of Columbia Bar, having been admitted on December 9, 2013, and subsequently assigned Bar number 1017426.**

The facts giving rise to the charges of misconduct are as follows:

2. **DENY.** Respondent does not have a law office in New Jersey but works from home or the various courts in which he is admitted; as well as virtually. Respondent does not have a law office in New Jersey as ODC falsely asserts nor does he hold himself out as a New Jersey attorney. Respondent's law office is a virtual law office: <https://kissingersibanda.wixsite.com/kensibanda> Furthermore, Respondent is licensed and admitted to the Second Circuit and United States Supreme Court. In addition to having appeared *pro hac vice* in the Southern District of New York. "He is not only licensed in New Jersey," as ODC asserts. **Respondent lives in and has an office in New Jersey, but he is only licensed in the District of Columbia.**

3. **ADMIT.** On April 16, 2022, Respondent responded to a Craigslist ad posted by Karim Annabi. Mr. Annabi was seeking a litigation attorney to assist him with a federal case against New York University Stern School of Business.

4. **ADMIT.** Between April 16-17, 2022, Respondent and Mr. Annabi exchanged emails about the potential case and to set up a consultation call. Mr. Annabi sent Respondent information about his case in preparation for the consultation and asked Respondent if he would be willing to accept the representation on a contingency basis. Respondent told Mr. Annabi that he would consider¹ taking the case on a contingency basis, but the consultation would cost \$200. Eventually, Respondent reduced the consultation fee to \$125, which Mr. Annabi paid via PayPal.

5. **DENY.** On April 17, 2022, Respondent and Mr. Annabi met via Zoom for an initial consultation. After the consultation, Respondent sent Mr. Annabi a draft retainer agreement; however, the draft retainer called for Mr. Annabi to pay Respondent an hourly fee for the representation and part contingency fee., it was a hybrid. Respondent and Mr. Annabi could not agree on the terms of the representation, and Mr. Annabi never signed the agreement. Respondent never agreed to represent Annabi based on contingency before the consultation, nor did he make any such representations or promised without knowing the facts in dispute. **On**

¹ Complainant Annabi's State lawsuit against Respondent alleges that he was promised a contingency consultation, but that Respondent then offered a hybrid retainer. This is a complete lie by the complainant. In fact Respondent reduced the fee to \$125 and out of his own so-called "good faith," Complainant Annabi paid \$200. Complainant Annabi had intended to induce Respondent into a full contingency agreement by pretending to be a good person.

April 17, 2022, Respondent and Mr. Annabi met via Zoom for an initial consultation. After the consultation, Respondent sent Mr. Annabi a draft retainer agreement; however, the agreement called for Mr. Annabi to pay Respondent an hourly fee for the representation rather than a contingency fee. Respondent and Mr. Annabi could not agree on the terms of the representation, and Mr. Annabi never signed the agreement.

6. ADMIT. On May 9, 2022, Mr. Annabi filed a complaint *pro se* in the U.S. District Court for the Southern District of New York against New York University Stern School of Business. The complaint alleged, *inter alia*, that NYU School of Business breached implied contracts and engaged in deceptive advertising practices.

7. **ADMIT.** On June 23, 2022, Joseph DiPalma entered his appearance on behalf of NYU.

8. **DENY.** Annabi harassed Respondent for a refund and Respondent refused to refund any of the consultation fee because he had acted professional towards him. There was an aggressive email campaign by Complainant demanding a refund, which warranted Respondent to issue several cease-and-desist emails to complainant. Respondent at all times advised complainant Annabi to seek legal advice or file a fee dispute with the bar. Instead, on August 2, 2022, Mr. Annabi emailed Respondent to tell him that he had filed a civil case against Respondent seeking \$1,000 and would be hiring a process server in Queens, New York. This was a lie, the lawsuit was filed in New York, and not Queens. The one sentence complaint alleged “Breach of Contract or Warranty for \$1,000.00 with interest from 04/17/2022.” Although complainant Annabi filed the case on August 2, 2022, the complaint was not served on Respondent until on or about November 25, 2022 – in that interim, before filing the lawsuit, complainant Annabi insisted on settlement and sent harassing emails to Exhibits: 1.

On August 2, 2022, Mr. Annabi emailed Respondent to tell him that he had filed a civil case against Respondent seeking \$1,000 and would be hiring a process server. The complaint alleged “Breach of Contract or Warranty for \$1,000.00 with interest from 04/17/2022.” Although Mr. Annabi filed the case

on August 2, 2022, the complaint was not served on Respondent until on or about November 25, 2022.

9. **DENY.** Mr. DiPalma has stated on record that he never received any confidential information from Respondent. This is a fact ODC ignores. Exhibit: 2. (ECF: 57 Case No. 1:22-cv-03795 (LJL)). In addition, the email exchange cited by ODC in this note, like most of their facts are taken out of context and don't show the full conversations. The escalation of the dispute started with complainant Annabi calling Respondent a "garbage attorney." Respondent has a human right to dignity as well. Exhibit: 3. **On August 2, 2022, Respondent replied to the email from Mr. Annabi, and copied Mr. DiPalma, stating, in part:**

A. **"Your lawsuit against NYU, referenced above, has fundamental flaws in law and fact – and I brought that to your attention when I conferenced with you via zoom."**

B. **"[I] will be forced to bring this issue to the federal judge handling this case as it speaks to your credibility in this lawsuit. There are many inconsistencies with your claim against NYU."**

C. **"However, as I stated during our consult, your legal assertions are mostly frivolous and not based on any established or existing law."**

10. **DENY.** On August 3, 2022, Respondent filed a motion to be included as an interested party, that motion is submitted here in its entirety and does not violate any Rules of Ethics. Exhibit: 4a-4. c. The motion did not reveal any

confidence or secret of the prospective client and was meritorious. The motion was largely based on Annabi's threats and harassment against Respondent after the consultation and based on public filings after the consultation. *Id.* Exhibit: 4.b-4. c. ODC has largely taken a motion submitted to a judge out of context, and now seeks to re-adjudicate the motion and act as second chair to the federal judge's own first impression and judicial discretion. Motion practice is the bread and butter of our legal system. Exhibit: 4. **On August 3, 2022, Respondent filed a request to be added as an "Interested Party" in the case. In his request, Respondent stated the following:**

- A. **“Soon after, Mr. Annabi was unsatisfied with my legal advise [sic] – that essentially his legal assertions of ‘deceptive advertising etc’ [sic] are unfounded in law and frivolous.”**
- B. **“I believe that the facts in this matter, before this Court (SDNY), and my dispute with Mr. Annabi, share the same nexus of facts and call to question the frivolous nature of Mr. Annabi’s lawsuit and current legal assertions.”**
- C. **“In addition, defendant’s well-written ‘motion to dismiss’ echoes and sums up my concerns and the warnings I shared with Mr. Annabi during our consultation...”**
- D. **“Mr. Annabi’s legal residency should be interrogated by this Court because he has, in his own words, filed a lawsuit against me in Jamaica, Queens, New York and yet he is using a United Kingdom address in this aforementioned matter – as an assertion of diversity citizenship.”**

11. **ADMIT.** On August 3, 2022, the court denied without prejudice Respondent’s request to be added as an interested party because Respondent failed to satisfy both the procedural and substantive standards for intervention. The court also stated, “While Mr. Sibanda is free to follow the public proceeding in this case, he should not file papers on ECF as he is not a party or representative of a party in

this action.”

Despite the court's ruling, Respondent was still listed as an interested party on the electronic docket.

12. **DENY.** Respondent vehemently told Annabi to stop emailing him on numerous emails, but Annabi refused. Exhibits: 1-2. ODC counsel is aware of the many emails harassing Respondent. Respondent cc-ed DiPalma requesting Annabi to stop emailing him – but Annabi refused. Respondent cc-ed Palma so as to renew his motion to be an interested party at a later stage and to stop the harassment from Annabi by making sure there was an independent witness to Annabi's harassing behavior in real time. This is the case in many other situations when people feel harassed, they tell credible third parties. Seeking witnesses for offensive harassing behavior is not limited to non-lawyers but is a human need. **Respondent continued to exchange emails with Mr. Annabi. Each time Respondent emailed Mr. Annabi, he would add Mr. DiPalma to the "cc" line. In these exchanges, Respondent referred to Mr. Annabi as a "racist" and "antisemite," accused Mr. Annabi of committing perjury, and threatened Mr. Annabi with "Rule 11" sanctions for his filings in the small claims action. Respondent copied Mr. DiPalma on at least eight emails to Mr. Annabi.**

13. **DENY.** Respondent cc-ed ODC to document the continued harassment from Annabi; it was not triggered by the Annabi complaint only. **Once Respondent became aware of Disciplinary Counsel's investigation, he began copying Disciplinary Counsel on his email exchanges with Mr. Annabi.**

14. **DENY.** On February 4, 2023 Annabi sent an offensive draft sanctions motion to Respondent which defames Respondent and is subliminally racist because it is gratuitous and asserts false accusations against Respondent. The purported sanctions motion included scandalous and offensive material against Respondent which are untrue. This triggered Respondent requesting from the federal judge the right to defend the motion when it is docketed. Respondent never filed or docketed the Annabi frivolous motion² but sought permission to defend himself in the likelihood that Annabi intended to file a sanctions motion. **On February 4, 2023, Mr. Annabi emailed an unfiled “sanction motion” to Respondent, Mr. DiPalma, and Mr. DiPalma’s associate that sought sanctions against Respondent for a non-exhaustive list of reasons including filing papers to harass Mr. Annabi, making frivolous accusations and defenses without evidentiary support, perjury, and engaging in fraud before the court. In his email, Mr. Annabi simply said, “Please see the attached motion.” He did not say that he had filed the motion, and the motion did not appear in the electronic case file.**

15. **Admit.** On February 6, 2023, Respondent filed a letter with the District Court, via ECF, requesting the opportunity to respond to Mr. Annabi’s sanctions motion if

² The purported Annabi sanctions motion was frivolous in its entirety. It sought to argue that Respondent’s answer in the New York state case against Respondent, was actually subject to Rule 11 sanctions in the federal case, an unheard off situation. Rule 11 sanctions are applicable to pleadings filed in the court where the pleadings id docketed, not pleadings filed in a different venue. Companant did not know this as a pro se litigant. *See also* Dipalma’s response to the purported sanctions motion: Exhibit: 2. Attorney DiPalma is correct.

he filed it. In his letter, Respondent described the sanctions motion as “an unfiled motion.” Respondent emailed a copy of the purported motion to the judge’s chambers to be included as an exhibit to his publicly filed letter. Exhibit: 5.

16. **DENY.** After weighting the equities. On February 7, 2023, District Court judge Lewis Liman issued an order. Attached here. Exhibit: 6. The order never sought to sanction Respondent, nor did it order him to show cause. While the initial Order which stated Respondent must not file on ECF was recited by Judge, the court went on further to state that Annabi cannot docket a sanctions motion until it resolves whether it will dismiss his case or not. Thus, justice was in fact served by preventing Annabi from defaming Respondent, in a matter in which Respondent was aggressively denied participation as an interested party³. *Id.* **On February 7, 2023, District Court judge Lewis Liman issued an order directing the Clerk of Court to strike Respondent’s February 6, 2023 filing from the docket. On February 10, 2023, Judge Liman issued an order clarifying that Respondent’s request to be added as an “interested party” had been denied on August 3, 2022, and that Respondent should not be listed as an “interested party” on the docket. Judge Liman stated, “The Court ordered Mr. Sibanda not to file papers on ECF in this action as he is not a party to or a representative of a party in the case, an order that Mr. Sibanda has since violated.”**

³ Essentially, Complainant Annabi wanted proceedings at the federal level in which Respondent has no right to defend himself. This is wrong.

17. **DENY.** Respondent did not violate any Rule of the D.C Bar on Professional Conduct because Respondent never released any confidential information of the client/prospective client. As a matter of practical public policy, there is a latitude which allows lawyers and judges to discuss cases which does not violate Rules of professional conduct, especially once the owner of that right. Here, Complainant Annabi waived his attorney-client privilege through his public filings, after being told to go to the DC bar to preserve this privilege. He rejected this. Exhibits 1-2. Furthermore, judges and lawyers routinely lecture on cases they have been involved in, this does not mean they have betrayed attorney-client privilege because they reference facts in the public domain. Respondent's insertion into the Annabi federal case was triggered by the harassing sanctions motion from Complainant and Respondent would never have violated the first Order, had Annabi not sought to docket a frivolous sanctions motion against him. There was no other avenue for Respondent to make the request but docket it publicly, otherwise complainant would accuse Respondent of sending private emails in his matter to the federal judge.

Respondent respectfully requests the Board to dismiss this complaint for the above stated reasons. **Respondent violated the following Rules of the D.C. Rules of Professional Conduct and/or the provisions of the New York Rules of Professional Conduct¹ in effect at the time:**

¹ Under D.C. Rule 8.5(b)(1), for alleged misconduct “in connection with a matter pending before a tribunal the rules to be applied shall be the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise.” Here, some of Respondent’s alleged misconduct was in connection with a matter before the U.S. District Court for the Southern District of New York, which sat in New York and applied the New York Rules of Professional Conduct. *See* Joint Local Rules, S.D.N.Y. and E.D.N.Y., Local Civil Rule 1.5, available at https://www.nysd.uscourts.gov/sites/default/files/local_rules/2021-10-15%20Joint%20Local%20Rules.pdf. Accordingly, the New York Rules apply to some of Respondent’s alleged misconduct.

Nonetheless, the charged New York Rules are substantively the same as the corresponding D.C. Rules. Accordingly, should the D.C. Rules be deemed to apply to all

A. Rule 1.6(a) in that Respondent knowingly and without authority revealed confidential information and/or secrets of Mr. Annabi;

B. Rule 1.18(b) in that Respondent knowingly and without authority revealed confidential information and/or secrets of a prospective client, Mr. Annabi; and

C. Rule 8.4(d), in that Respondent engaged in conduct prejudicial to or seriously interfering with the administration of justice.

Dated: May 26th, 2023

Respectfully submitted,

/s/ Kissinger N. Sibanda

Dr. Kissinger N. Sibanda Esq
Respondent

of Respondent's alleged misconduct, he violated D.C. Rules 1.6(a), 1.18(b), and 8.4(d) for substantively the same reasons.

VERIFICATION

I, Kissinger N. Sibanda, do affirm that I verily believe the facts stated in the petition to be true.

Dated: May 26th, 2023

Respectfully submitted,

/s/ Kissinger N. Sibanda

Dr. Kissinger N. Sibanda Esq
Respondent

Cease and Desist Notice

Kissinger N. Sibanda <kissinger.sibanda@temple.edu>

Thu 04/08/2022 09:47

To: Karim Annabi <now@iactivate.love>

Cc: joseph.dipalma@jacksonlewis.com <joseph.dipalma@jacksonlewis.com>

Mr. Annabi,

Good morning.

Thats fine, as I have said before, you can bring as many frivolous lawsuits against me as you want in Jamaica, Queens etc.

In addition, my ECF submission on your SDNY case in which I reference your character in the context of the SDNY litigation, fraud, abuse of litigation and harassment is the truth and I don't regret making the submission. In fact, I am prepared to make that before a judge under pain of perjury.

Not only do you continue to harass me but I have told you close to five times to stop emailing me but you refuse.

As for my statement that you are "racist and anti-semitic", I stand by it 100%. This is the racism of North Africans where they think they can treat black Africans any sort of way. A case in point is that even though I told you I will not refund the \$200 because I earned it you think I am not entitled to earn a living. You feel entitled to free legal services , you even wrote Hon. Judge Liman asking him for advice on when your response against NYU's motion to dismiss is due . ECF: 24.

Please stop emailing me: this is my fifth request.

Cordially,
Kissinger N. Sibanda Esq

From: Karim Annabi <now@iactivate.love>

Sent: 04 August 2022 09:08

To: Kissinger N. Sibanda <kissinger.sibanda@temple.edu>

Subject: Follow Up

I will be bringing a case against you for slander as well since you posted a document on a public system with lies about me and false allegations. You make some additional damaging remarks to my character, such as being racist, without any sort of justification, and lucky for you these remarks you have not issued publicly, so they are just ignorant insults, but let this be a warning to watch what you say about me. Your best bet at this point is to settle with me then disappear

out of my sight.

February 10, 2023

VIA ECF

Judge Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street, Room 701
New York, New York 10007

Re: Karim Annabi v. New York University
Case No. 1:22-cv-03795 (LJL)

Dear Judge Liman:

This Firm represents Defendant New York University in the above-referenced matter. We write to briefly respond to the February 8, 2023 letter filed by Pro Se Plaintiff in which he requests a pre-motion conference for leave to file a Motion For Sanctions against NYU, Jackson Lewis, P.C., Jackson Lewis attorneys Joseph J. DiPalma and Poonam Sethi (collectively “ the NYU parties”) and non-party attorney Kissinger Sibanda. (Dkt. 55).

At the outset, we submit that Pro Se Plaintiff’s proposed Motion For Sanctions against the NYU parties asserts such frivolous claims that Pro Se Plaintiff’s filing of this proposed Motion in and of itself constitutes sanctionable conduct in violation of Federal Rule of Civil Procedure 11 (“F.R.C.P.”).

Second, pursuant to the provisions of F.R.C.P. Rule 11(c)(2) and this Court’s precedent, the party against whom a F.R.C.P. Rule 11 Motion is asserted, must be given a 21-day “safe harbor” allowing it the opportunity to avoid sanctions by amending, retracting, or correcting the challenged allegations or contentions. Fed. R. Civ. P. 11(c)(2). In the instant matter, Pro Se Plaintiff emailed Mr. DiPalma and Ms. Sethi a copy of the proposed Rule 11 Motion on February 4, 2023. Rule 11 requires the Motion to be served under Rule 5, but it cannot be filed on the Court’s docket until 21 days after service, allowing for time to cure. *Id.* Therefore, the 21-day period has not elapsed, and Pro Se Plaintiff filed the instant letter request for a pre-motion conference without providing the NYU parties with adequate opportunity to cure the challenged material as required by Rule 11(c)(2).¹

Moreover, even if Pro Se Plaintiff had complied with the procedural requirements of Rule 11, Pro Se Plaintiff’s allegations set forth in his proposed Motion are baseless and do not identify any sanctionable conduct whatsoever. Pro Se Plaintiff’s Motion injects completely baseless assertions

¹ The NYU parties note that they did not consent in writing to service by email pursuant to F.R.C.P. 5(b)(2)(F) and Plaintiff Pro Se did not serve the F.R.C.P. Rule 11 Motion in compliance with F.R.C.P. 5(b)(2).

for sanctions under Rule 11, relying on four categories of alleged bad faith by the NYU parties, which we vehemently deny and address in turn below.

Pro Se Plaintiff's first allegation of bad faith is based on the NYU parties representation to the Court in a request to extend its time to Answer the original Complaint, which correctly stated, "We requested consent from the Pro Se Plaintiff but have not received a response at this time." (Dkt. 12). It is correct that prior to submission of the NYU parties' letter to the Court, a request was made to Pro Se Plaintiff to grant an extension. It is also correct that at the time of the electronic filing, the NYU parties had not received any response from Pro Se Plaintiff. Counsel made a factual and truthful representation to the Court. Pro Se Plaintiff's claim that Counsel should have waited longer for a response or used different language is simply immaterial. There was nothing unethical or sanctionable about the representation in the extension request. Notwithstanding, Pro Se Plaintiff could have certainly filed an objection with the Court to the letter at the time. Lastly, Pro Se Plaintiff was in no way harmed by the extension request.

Pro Se Plaintiff's second allegation of bad faith is based solely on his substantive disagreement with NYU's legal arguments set forth in its Motion To Dismiss. Pro Se Plaintiff is free to oppose NYU's Motion and advocate his position to the Court, but he must do so in the context of opposition to Defendant's Motion. His opinions and legal arguments in disagreement with NYU's legal arguments are simply not grounds for a Rule 11 Motion for sanctions against the NYU parties.

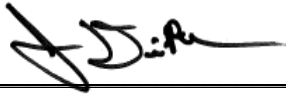
Pro Se Plaintiff's third allegation of bad faith centers on his claim that in alerting the Court to a basis for the lack of subject matter jurisdiction, the NYU parties improperly relied on information obtained from third-party Mr. Sibanda. Contrary to Pro Se Plaintiff's allegations, NYU's Motion To Dismiss relies solely on the allegations contained in and exhibits attached to Pro Se Plaintiff's Amended Complaint, as well as documents filed on the docket. (Dkt. 47). Specifically, Pro Se Plaintiff objects to Point 15 of NYU's Motion To Dismiss, wherein NYU alerts the Court to the potential lack of subject matter jurisdiction if the federal claims are dismissed. (Dkt. 48). On August 3, 2022, Mr. Sibanda filed a letter on the docket seeking to be considered an interested party, attaching documents related to Pro Se Plaintiff's lawsuit against him in Supreme Court, Queens County. (Dkt. 22). NYU obtained a copy of the Summons in that action, which is public information and obtainable from the NYS Courts Electronic Filing (NYSCEF). The NYU parties have not received any confidential information from Mr. Sibanda. Further, any argument Pro Se Plaintiff has in opposition to dismissal for lack of subject matter jurisdiction should be reserved for Pro Se Plaintiff's opposition to NYU's Motion To Dismiss.

Finally, Pro Se Plaintiff asserts that the NYU parties' attachment of copies of unreported decisions to the Motion To Dismiss constitutes bad faith. (Dkt. 47). As this Court knows, the unreported decisions were provided to the Court in accord with Section 2(J) of Your Honor's individual rules. Therefore, there is no basis for a claim of bad faith here.

Pro Se Plaintiff's allegations of bad faith are absolutely baseless, and any legal arguments upon which Pro Se Plaintiff wishes to rely in opposition to NYU's Motion To Dismiss should be addressed within his opposition to Defendant's Motion.

We appreciate the Court's time and consideration. We are available at Your Honor's convenience for a conference.

Respectfully submitted,



Joseph J. DiPalma
914-872-6920
Joseph.DiPalma@JacksonLewis.com
Jackson Lewis P.C.

cc: Karim Annabi (karim.annabi@gmail.com via ECF)

4895-1669-0255, v. 2

Re: Fw: 1-22-cv-03795-LJL

Kissinger N. Sibanda <kissinger.sibanda@temple.edu>

Wed 03/08/2022 15:42

To: Karim Annabi <now@iactivate.love>

Cc: joseph.dipalma@jacksonlewis.com <joseph.dipalma@jacksonlewis.com>

Mr. Annabi,

You are free to file whatever complaint you think you are entitled to file and I will explain the situation to the DC bar. But I will not be bullied or called "garbarga" by you. And I repeat this for the very last time - stop emailing me as we are adversarial.

My right to defend myself is unequivocal and I will not hesitate. You are racist and antisemitic and assumed that I did not know what I was talking about when I gave you legal advice that your case is "frivolous." Respond to your motion to dismiss and leave me alone.

Also, you are the one who has sabotaged your own case, and you keep emailing me despite my request that you stop.

The letter motion was denied without prejudice and I will renew the motion should I see the need to do so based on your continued harassment of me and my role as an officer of the court. I strongly advice you stop emailing me and concentrate on your case before the Southern District.

Cordially,
Kissinger

From: Karim Annabi <now@iactivate.love>
Sent: 03 August 2022 14:58**To:** Kissinger N. Sibanda <kissinger.sibanda@temple.edu>**Subject:** Re: Fw: 1-22-cv-03795-LJL

I told you you were a garbage attorney who doesn't even respect attorney client privilege, who uses bait and switch to get a client and attempts to sabotage cases he is not a party to, a case that is in the public interest. Now you have a Complaint open against you in the DC Bar.

2:53

◀ Mail

 4G 

Case 1:22-cv-03795-LJL Document 23 Filed 08/03/22 Page 1 of 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 08/03/2022

-----X
ANNABI,
:

Plaintiff,
:

-v-
:

NEW YORK UNIVERSITY STERN SCHOOL OF
BUSINESS,
:

Defendant.
:
X

22-cv-03795 (LJL)

ORDER


LEWIS J. LIMAN, United States District Judge:

On August 3, 2022, Kissinger N. Sibanda filed a request for addition as an “interested party” on the docket for this case. Dkt. No. 22. According to Mr. Sibanda, the Plaintiff filed a lawsuit against him in Queens, New York related to legal advice Mr. Sibanda provided in connection with this case. *Id.* at 3. Mr. Sibanda claims that the Queens lawsuit “share[s] the same nexus of facts” as this case and “and call[s] to question the frivolous nature of Mr. Sibanda’s lawsuit and current legal assertions.” *Id.*

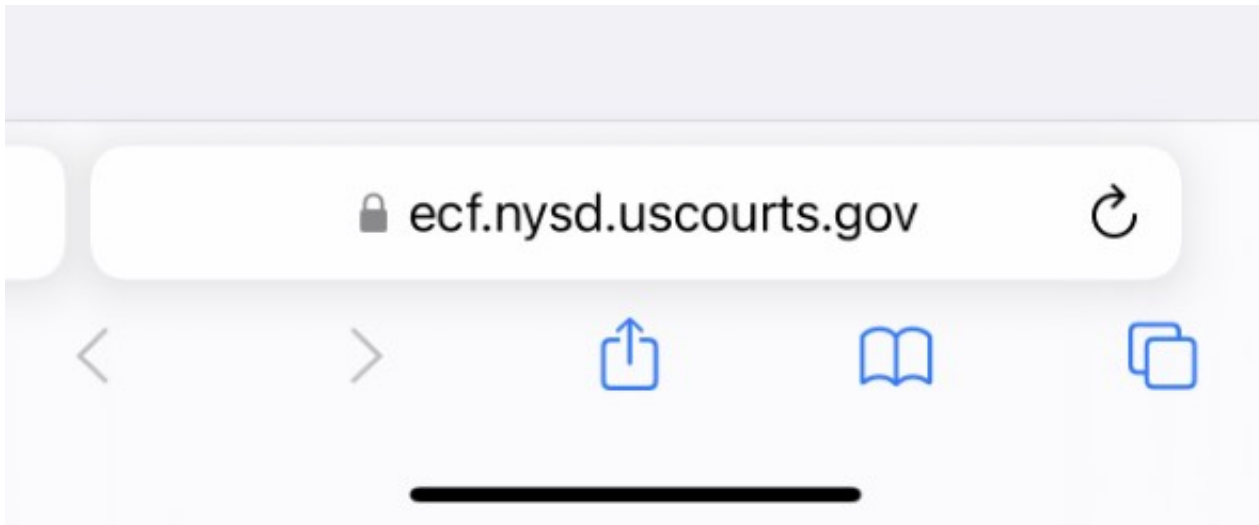
This Court rejects this request without prejudice. Mr. Sibanda’s letter does not satisfy either the procedural or the substantive standards for intervention. *See* Fed. R. Civ. P. 24. While Mr. Sibanda is free to follow the public proceeding in this case, he should not file papers on ECF as he is not a party or representative of a party in this action.

SO ORDERED.

Dated: August 3, 2022
New York, New York



LEWIS J. LIMAN
United States District Judge



On Tue, Aug 2, 2022 at 8:55 PM Kissinger N. Sibanda <kissinger.sibanda@temple.edu> wrote:

From: Karim Annabi <now@iactivate.love>

Sent: 02 August 2022 19:57

To: Kissinger N. Sibanda <kissinger.sibanda@temple.edu>

Subject: Re: 1-22-cv-03795-LJL

Classy. We'll see.

On Tue, Aug 2, 2022 at 7:50 PM Kissinger N. Sibanda <kissinger.sibanda@temple.edu> wrote:

B'sd

Mr. Annabi,

Ref: Rule 404 (b) 2 Letter - Other Wrongs.

As I have said on numerous occasions, please don't email me. I hope this is a final request.

Your lawsuit against NYU, referenced above, has fundamental flaws in law and fact - and I brought that to your attention when I conferenced with you via zoom.

Bearing that you keep emailing me even though I have stated that the consultation fee of \$200 was agreed upon at the time of consultation, I will be forced to bring this issue to the federal judge handling this case as it speaks to your credibility in this lawsuit. There are many inconsistencies with your claim against NYU.

You are free to file for a refund of the consultation fee, which you already tried to do with

Paypal. And they refused after a thorough investigation. Exhibit C. Now you claim - and emailed me - to have filed a case, cv-010222-NY, against me in Jamaica, Queens when I reside in New Jersey. This is abuse of litigation and harassment.

Please file whatever claim you deem necessary to recoup the \$200 consultation fee for the conference which occurred on April 7th, 2022, but do not email me again because we are opposing parties in a dispute.

Furthermore, your initial claim against me was for \$75, now it's \$1000. Compare exhibits A and B; and this is for a \$200 consultation fee.

I have a right to charge a fee for the professional legal services I gave you, whether you agree with the legal advice or not, does not mean I was wrong on the law and your facts. I was also clear that the amount I received was \$200 before we started our consultation.

I wish you much luck on your lawsuit, but please stop emailing me. Your fight is with NYU, not me, and they SDNY will decide accordingly. However, as I stated during our consult, your legal assertions are mostly frivolous and not based on any established or existing law.

Your initial ad for this matter is also attached, posted while you were in Algeria. Exhibit D.

Sincerely,

/s/ Kissinger N. Sibanda

Kissinger N. Sibanda Esq

CC: Joseph De Palma

From: Karim Annabi <now@iactivate.love>
Sent: 02 August 2022 19:04
To: Kissinger N. Sibanda <kissinger.sibanda@temple.edu>
Subject: Re: 1-22-cv-03795-LJL

Spare me your garbage legal opinion. Focus on your own defense.

On Tue, Aug 2, 2022 at 6:25 PM Kissinger N. Sibanda <kissinger.sibanda@temple.edu> wrote:

You actually have to respond to NYU's motion to dismiss and prepare for the SDNY's conference first. The response from NYU attorneys is on point and you should expect costs against you for filing a frivolous federal case! You don't have standing for your

SDNY lawsuit - this is an issue Annabi.

--

Karim Annabi

Founder & Director



+44 7508918352

karim@iactivate.love

[https://iactivate.love%20%28coming%20soon%29/]iactivate.love
(coming soon)



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Karim Annabi

Founder & Director

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1
2 **UNITED STATES DISTRICT COURT**
3 **Southern District of New York**
4

5 _____
6 KARIM ANNABI) CASE #
7) **22-cv-3795 (LJL)**
8)
9 *Plaintiff,*)
10 -against-) **HON. LEWIS LIMAN**
11)
12) **LETTER REQUEST**
13)
14)
15 NYU STERN SCHOOL)
16 Of BUSINESS)
17)
18 *Defendant.*)
19 _____

20 **LETTER: REQUEST FOR ADDITION AS INTERESTED PARTY**
21 **ON DOCKET**
22 _____

23 **KISSINGER N. SIBANDA ESQ**
24 The Law Offices of Kissinger N. Sibanda
25 LL.B (Hons); LL.M (State / Trial); LL.M (Federal/ Trial)
26 Admitted: United States Supreme Court
27 Mail to: PO Box. 714. Livingston. NJ 07039
28 ksibanda@temple.edu
(862)250-9684
Attorney at Law

1
2 I respectfully request permission to be added as an interested
3 party, “ip” in the aforementioned docket:
4

5 I am an attorney in good standing and licensed in the District of
6 Columbia; and also admitted in the Second Circuit. I have filed and
7 appeared before this court on several matters. In addition, I hold a
8 double Masters in litigation from Temple School of Law (2011) and
9 California Western School of Law (2016).
10
11

12 I met Mr. Annabi *via email* in April 2022 when he posted an ad on
13 craigslist looking for an attorney to represent him in this matter, while
14 visiting his family in Algeria. I have never met Mr. Annabi in person.
15
16

17 After receiving documents about the matter from Mr. Annabi and
18 looking into this area of law, I arranged for a zoom consult, charging
19 him \$200 for the consult. Soon after, Mr. Annabi was unsatisfied with
20 my legal advise - that essentially his legal assertions of “deceptive
21 advertising etc” are unfounded in law and frivolous. He refused my
22 counter-offer to further tailor his complaint under acceptable law and
23 claims.
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1 He has now indicated to me that he has filed a lawsuit against me
2 somewhere in Jamaica, Queens, New York, “cv-010222-22-NY”, even
3 though I reside in New Jersey and have nothing to do with New York
4 for personal jurisdictional purposes. *See*, Exhibits A and B.
5
6

7 The lawsuit seeks to have the consultation fee returned, and is for
8 a total of \$1000 in damages plus additional costs, despite the fact that
9 the consultation fee I charged Mr. Annabi was only \$200 and Paypal
10 refused his refund request on the matter after their own thorough
11 independent investigation. *See* Exhibit: C.
12
13

14 I believe that the facts in this matter, before this Court (SDNY),
15 and my dispute with Mr. Annabi, share the same nexus of facts and
16 call to question the frivolous nature of Mr. Annabi’s lawsuit and current
17 legal assertions. In addition, defendant’s well-written “motion to
18 dismiss” echoes and sums up my concerns and the warnings I shared
19 with Mr. Annabi during our consultation and is relevant to my own
20 defense in Mr. Annabi’s purported lawsuit against me.
21
22
23
24

25 In addition, I also believe as an officer of this court, a licensed
26 attorney, I need to bring this to your attention:
27
28

1 Mr. Annabi's legal residency should be interrogated by this Court
2 because he has, in his own words, filed a lawsuit against me in Jamaica,
3 Queens, New York and yet he is using a United Kingdom address in
4 this aforementioned matter – as an assertion of diversity citizenship.
5
6

7 I strongly believe that Mr. Annabi is a dual citizen of both the
8 United States and United Kingdom and is currently resident in
9 Jamaica, Queens, New York - where he filed his lawsuit against me,
10 (Exhibit: A and B) and would ask that the docket be correctly updated,
11 to reflect his accurate address in the event of an order which should
12 issue against him.
13
14
15

16 I have also cc-ed NYU counsel Joseph DiPalma on this matter
17 previously and he is aware of the dispute between myself and Mr.
18 Annabi.
19
20

21 Cordially,
22

23 /s/ Kissinger N. Sibanda Esq
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CERTIFICATE OF SERVICE

I, Kissinger N. Sibanda, hereby declare under penalty of perjury as follows:

I am head of litigation with the Law Offices of Kissinger N. Sibanda. I caused the foregoing **Letter Request**, to be electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to counsel of record.

Executed on August 3rd, 2022

/s/ Kissinger N. Sibanda Esq
Kissinger N. Sibanda

Attorney at Law

(No subject)

Karim Annabi <now@iactivate.love>

Tue 02/08/2022 16:07


To: Kissinger N. Sibanda <kissinger.sibanda@temple.edu>


Cv-010222-22/NY filed today for \$1,000. I'll be using a process server which will add to the costs. --

Karim Annabi

Founder & Director



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 karim@iactivate.love

 [\[https://iactivate.love%20%28coming%20soon%29/\]](https://iactivate.love%20%28coming%20soon%29/)iactivate.love
(coming soon)

(No subject)

Karim Annabi <now@iactivate.love>

Mon 01/08/2022 16:38

To: Kissinger N. Sibanda <kissinger.sibanda@temple.edu>

I just picked up the forms at queens civil court in Jamaica which is where you'll have to attend from NJ. --

Karim Annabi

Founder & Director

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karim@iactivate.love

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(coming soon)

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Karim Annabi)	1:22—cv-03795-LJL
<i>Plaintiff,</i>)	
)	Plaintiff’s Threats of Rule 11 Sanctions:
v.)	Request to File Response (Attorney Kissinger
)	Sibanda)
)	
New York University Stern School of Business)	
)	
<i>Defendant.</i>)	
)	

Hon. Judge Liman,

This letter is to inform you that on February 4th, 2023, plaintiff Karim Annabi sent a threatening email styled, “Annabi v. NYU” motion: an unfiled motion. The offending document has been emailed to chambers in addition to the other exhibits cited here with all parties cc-ed. Exhibit: 1. (Annabi purported sanctions motion) and Exhibit: 2 (*Trolliver*).

Request:

Attorney Sibanda is requesting permission to file a rebuttal against Annabi’s purported sanctions motion which attaches exhibits and addresses Annabi’s sanctions motion when it is properly docketed, thereby completing the record under Federal Rule of Evidence Rule 106.

Annabi’s purported motion has nothing to do with Rule 11, because it is procedurally and substantively deficient. Plaintiff did not send a Rule 11 (C) notice and the elements of a rule 11 motion are not satisfied even if this court were to treat this as the work of an educated *pro se* litigant.

In the purported sanctions motion, Annabi makes frivolous allegations of impropriety against defendant attorneys Poonam Sethi, Maria Grosso, Nancy Scales and Joseph Deplama, their law firm and myself, based on unfounded and baseless misreading of law and facts.

In addition, to the extent that unfiled motions posing as filed motions of the SDNY addressed by you, are in themselves improper, whether the person is a trained lawyer or educated *pro se*, Mr. Annabi's purported motion is litigation abuse.

To the extent that Annabi intends to file his sanctions motion, I should be allowed to complete the record under Federal Rule of Evidence 106 because exhibits are submitted out of context or subjectively:

For example most of the emails Annabi says I sent him were in fact a result of Annabi's own harassment and initiated by him – this is despite pleas from attorney Sibanda for Annabi to cease emailing him. The source of the civil claim being filed in Queens, NY is from an Annabi email – but now Annabi claims attorney Sibanda should have investigated to conclude otherwise. It is not true that Annabi is a resident of the United Kingdom because he is currently using a New York address for his refund request of \$200, which he bumped to \$1000. Why not use the UK address in the civil claim, if in fact he is a bonafide U.K. resident? Also, attorney Sibanda has sent Annabi a \$200 check refund for the consultation fee. Annabi ignores all these facts in his intended sanctions motion.

In addition, as already stated, there is no attorney-client privilege violation because all matters asserted by Annabi are on public record or were in emails sent after the consultation and are not protected by attorney-client privilege. Including this matter. To the extent and degree that Annabi chose a public forum, not the bar council, the attorney-client privilege has been *waived* by the owner of the privilege (Annabi) because it requires that the attorney accused is truthful with this forum.

These are facts this court would have to consider if the Annabi sanctions motion is to be adjudicated fairly. Thus, a response from me should be allowed.

Finally, this court has held that frivolous Rule 11 motions are in themselves subject to Rule 11 sanctions, Annabi's forthcoming motion is no exception – this court has extended the plaintiff over six months to amend his first complaint but instead he has filed one motion after another (motions for injunction, to delete dockets etc). Now that Annabi is unable to rebut defendant's motion to dismiss he is pivoting on a frivolous sanctions motion and wasting the court's time and resources by focusing on collateral issues which are of his own exaggeration.

This court has also asserted that when a *pro se* litigant, acts and behaves as if they have "legal training," or wants to be taken as such, the court will factor in the posture of this supposed legal education and training and threat them to a higher standard than a lame *pro se* because this is the subjective request of the "legally educated" *pro se* litigant. *Trolliver v. Eric Troliver*, 19-CV-11823 (PMH). (Attached here as Exhibit: 2).

It is crystal clear that Mr. Annabi wants to practice law before this court on a wide range of issues (including principles of legal ethics, principles of contract law and evidence) which are not directly related to his claim, and which he has not undergone any training on. *Id.*

Request:

To the extent that Annabi's forthcoming sanctions motion is false and misleading in regards to Attorney Sibanda; I am requesting permission to submit a rebuttal (on my part) which deals with the pointed misrepresentations in his purported frivolous sanctions motion *when* Annabi files and docket his "sanctions motions." Exhibit: 1.

If Mr. Annabi does not file his purported sanctions motion, having read this letter in the context of a Rule 11.C notice, this request should be taken as moot by the court and ignored.

Mr. Annabi also emailed me this morning stating that:

"If you don't confirm receipt of the sanctions motion, I sent you by email I will have to mail it to you by postal mail, so don't waste more of my time than you already have." Annabi email, dated February 6th, 2023.

This request is also made in light of Annabi's wish to expedite his sanctions motion and the whole process of justice. *Supra*.

Dated: 2/6/2023

Respectfully Submitted,

Applicant Signature /S/ Kissinger N. Sibanda
Counsel's Name: **Kissinger N. Sibanda**
Firm: The Law Offices of Kissinger N. Sibanda
Telephone / Fax: 862-250-9684
Email: ksibanda@temple.edu
Mail to: PO Box 714. Livingston. NJ 07039

CERTIFICATE OF SERVICE

This is to certify that all parties are registered with ECF and received filing of this motion through the ECF system.

February 6, 2023,

Signature /S/ Kissinger N. Sibanda
Kissinger N. Sibanda
Firm: The Law Offices of Kissinger N. Sibanda
Telephone / Fax: 862-250-9684
Email: ksibanda@temple.edu
Mail to: PO Box 714. Livingston. NJ 07039
DC # 1017426

ECF: 58

ORDER: On February 8, 2023, the Court received a letter from Karim Annabi requesting a pre-motion conference for sanctions. Dkt. No. 55. Mr. Annabi also filed a letter requesting that Kissinger N. Sibanda be deleted as an "interested party" on the docket. Dkt. No. 56. The Court denies Mr. Annabi's request for a pre-motion conference for sanctions without prejudice to renewal at a later date. Mr. Annabi may renew his request for a pre-motion conference for sanctions after the Court has ruled on the pending motion to dismiss in this case, at which time the Court will be in a better position to decide the merits of Mr. Annabi's arguments as to sanctions if he still intends to make such arguments. Dkt. No. 46. The Court grants Mr. Annabi's request that Mr. Sibanda be deleted as an interested party on the docket. This Court previously denied Mr. Sibanda's request to be added as an "interested party." Dkt. No. 23. The Court also ordered Mr. Sibanda not to file papers on ECF in this action as he is not a party or representative of a party in the case, an order that Mr. Sibanda has since violated. Dkt. Nos. 23, 52. The Clerk of Court is respectfully directed to remove Mr. Sibanda as an interested party on the docket. SO ORDERED. (Signed by Judge Lewis J. Liman on 2/10/2023) (tg)