



Case No. 15-CV-60082-DIMITROULEAS/SNOW

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08/20/2017 03:34 PM

Cc:

tammy.barlow

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From: "phil@mojilife.com" <phil@mojilife.com>

To: dimitrouleas@flsd.uscourts.gov, Francine\_Salopek@flsd.uscourts.gov

Cc: tammy.barlow@flsd.uscourts.gov

History: This message has been forwarded.

## 1 Attachment



Notice-of-Taking-Deposition-Duces-Tecum-Craig-Henderson.pdf

Hello Judge Dimitrouleas,

My name is Phil Elmaleh. I am writing to you on behalf of MojiLife, Inc. I am the owner of MojiLife and it has come to my attention that Daniel Newman of Broad and Cassel on behalf of Grisel Alonso, the Receiver in Case No, 15-CV-60082-DIMITROULEAS/SNOW has subpoenaed Craig Henderson, a former employee of MojiLife.

In the subpoena, Mr. Newman is asking confidential proprietary information from Mr. Henderson and more worrisome, he is asking for "source code information, backups, employment agreements, hard drives...etc" (Subpoena is attached). This is very alarming because Mr. Newman, has not received a court or court ruling to allow him access to such sensitive information. We do not believe that Mr. Newman should have a right to seek sensitive information from Mr. Henderson based on the following reason:

- 1) MojiLife Inc is not a Receivership Entity. MojiLife has never had any transactions or relationship with or between the Elm Tree Entities and Myecco. This is impossible because MojiLife was created well after the Receivership was created. In other words, the Receiver took over the Elm Tree Entities in January 2015. MojiLife was created well after January 2015.
- 2) I am Phil Elmaleh and have no relationship with the Elm Tree Entities. The above-mentioned case is against my brother Fred Elm and has nothing to do with me or MojiLife.
- 3) The Receiver without any proof whatsoever is trying to establish a link between MojiLife and Myecco (Receivership Entity). The Receiver is trying to assert that MojiLife has used or is using code from Myecco. This is absolutely false. MojiLife has never used one piece of code from Myecco or conceptual framework from Myecco. MojiLife is a completely different company and the concept is totally different. Code from Myecco would be useless to us.
- 4) Mr. Henderson is a former employee of MojiLife and he signed a confidentiality agreement and is not allowed to release source code or confidential information to any third-parties. We are entitled to the same rights as a company like Apple or Google. It took us two years to create MojiLife at great cost and to have our source code released to a third party would be incredibly disturbing and destroy the company.
- 5) The Receiver is attempting to obtain proprietary source code from a company that is not a Receivership Entity without due process, court order or court ruling by your Honor Judge Dimitrouleas.

We respectfully ask for our day in court and seek the following:

- a) A court hearing before the Honorable Judge Dimitrouleas to determine the legitimacy of the Receivers claims, assertions and justification for attempting to obtain proprietary documentation and source code from Mr. Henderson.

- b) A proper ruling by the Honorable Judge Dimitrouleas.
- c) Suspend the deposition of Mr. Henderson until the Honorable Judge Dimitrouleas has ruled on the case.
- d) We respectfully ask for enough time from Honorable Judge Dimitrouleas before a prospective court hearing, so we can obtain an attorney to appropriately defend MojiLife in this matter.

Thank you for your time.

Sincerely,

Phil Elmaleh

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