

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
LONG ISLAND DIVISIONAL OFFICE**

GEORGE R. SIMPSON

Plaintiff,

-v-

STEPHEN SOKOLOW

Defendant.

Civil Number: 07-2388

**DEFENDANT STEPHEN SOKOLOW'S MOTION FOR F.R.CIV.P. RULE 11 SANCTIONS
AGAINST PLAINTIFF GEORGE R. SIMPSON**

*Respectfully submitted,
FEUERSTEIN & SMITH, LLP
Alan R. Feuerstein, Esq.
Attorneys for Defendant
Office and P. O. Address
17 St. Louis Place
Buffalo, New York 14202-1502
(716) 856-9704 Telephone
(716) 856-9707 Facsimile
FSLLP@aol.com*

*TO: George R. Simpson
Post Office Box 775
Hampton Bay, New York 11946*

December 13, 2007

I. Introduction

The Plaintiff, George R. Simpson (herein “Simpson”) has commenced a series of baseless lawsuits in multiple jurisdictions against the past officers and directors of a condominium complex [Sapphire Bay Condominiums West (herein “Sapphire”)] located on the Island of St. Thomas in the United States Virgin Islands. All of Simpson’s lawsuits were commenced by him because of disagreements relating to Simpson’s request to change the window design at his former residence (unit C-4 at Sapphire), and in retaliation after Mr. Simpson was permanently enjoined by the District Court of the Virgin Islands from claiming ownership of Sapphire’s protected trade name.¹ The Defendant Stephen Sokolow (Sokolow) is the former President of Sapphire’s board of directors. Simpson has sued Stephen Sokolow who, by and through counsel, Feuerstein & Smith, LLP has made a motion to dismiss Plaintiff’s case. Sokolow now moves that the Court grant F.R.Civ.P. Rule 11 sanctions against George R. Simpson and urges the Court to award the Defendant all of his attorney fees, costs and expenses.

II. History

The Plaintiff in this lawsuit alleges that Stephen Sokolow is liable to the Plaintiff for money damages. Simpson originally commenced an action in the Superior Court of the Virgin Islands Division of St. Thomas and St. John alleging the identical facts that has been alleged in the instant proceedings. The Superior Court of the Virgin Islands’ action was removed to the District Court of the Virgin Islands Division of St. Thomas and St. John, and prior to the Defendant filing his Answer, the Plaintiff Simpson, voluntarily discontinued the action.

Shortly after Mr. Simpson’s original filing and the service of his Complaint before this Court, Mr. Sokolow, by and through counsel, demanded in writing that Mr. Simpson withdraw his Complaint because

¹ For a brief History of the dispute between “Sapphire” and “Simpson” see Defendant’s Memorandum of Law in Support of Defendant’s motion to dismiss Plaintiff’s Complaint Submitted to this court on July 30th 2007. See also *The Board of Directors of Sapphire Bay Condominiums s George R. Simpson, individually and d/b/a North American Alliance for Honest Corporate Management*; Action Pending in the District Court of the Virgin Islands civ no. 2004-62.

the Complaint that was filed against Mr. Sokolow has no basis in law or in fact and a complete review of the Complaint shows that the Complaint was filed for improper purposes and in order to harass and cause unnecessary expense to Mr. Sokolow. The correspondence forwarded to Mr. Simpson specifically advised him that his Complaint was neither supported by existing law nor a good faith argument for an extension or change in existing law that the legal contentions were unjustified, that Mr. Simpson ignored unfavorable precedent and that he was obviously unfamiliar with the law with respect to his alleged claims. Further, Simpson was advised that his alleged claims have no evidentiary support and are not likely to have evidentiary support even after a reasonable opportunity for a proper investigation into the facts as presented.

Four (4) separate Rule 11 letters have been previously forwarded to Mr. Simpson demanding that he withdraw his Complaint against Mr. Sokolow. The initial Rule 11 letter is dated May 10, 2007 (Exhibit 1), the second Rule 11 letter is dated July 5, 2007 (Exhibit 2), the third Rule 11 letter is dated July 30, 2007 (Exhibit 3) and the fourth Rule 11 letter was forwarded out on August 30, 2007 [in response to Simpson's accusations that Feuerstein & Smith, LLP's conduct justified sanctions under Rule 11 (Exhibit 4)].

Mr. Simpson failed and refused to respond to the demands which are attached hereto as Exhibit 1, 2, 3 and 4 and he has refused to withdraw his Complaint. Simpson refused to make a reasonable inquiry of the facts and law before signing and presenting this outrageous and offensive Complaint. A reasonable person can come to no other conclusion other than what is obvious; Simpson commenced this proceeding for an improper purpose (i.e. to harass, cause unnecessary delay and expense) and his claims are not warranted by the law. His conduct speaks loudly.

III. Simpson's Conduct Since the Filing of his Complaint

Despite having been warned that his Complaint has no basis in law or in fact, the Plaintiff has done nothing to correct and nothing to withdraw his Complaint thus necessitating extensive Motion practice in order to cause Mr. Simpson's Complaint to be dismissed.

On July 30, 2007, the Defendant, Stephen Sokolow, filed his Motion to Dismiss, the Exhibits in support of his Motion to Dismiss, Defendant's Memorandum of Law in Support of his Motion to Dismiss, and Defendant's Affidavits in Support. The Plaintiff filed what he terms "Objection to Defendant's Motion to Dismiss" (which Defendant treated as Simpson's "Opposition") and Defendant then filed his reply on August 15, 2007.

Defendant's Motion to Dismiss has been fully briefed and is presently pending before this Court. Simpson has provided no Affidavits, no evidence, no exhibits, and not one piece of admissible proof that in any way supports his Complaint. The reason for this is obvious – Simpson's claims have no merit factually or legally – and the sole reason that he commenced these proceedings was to defame and libel Mr. Sokolow and others via his internet website.

IV. The Proof and Simpson's Motive

Plaintiff's actions and conduct even as described above justifies sanctions. The Complaint that was filed by the Plaintiff is groundless and frivolous. A District Court can impose sanctions on a *pro se* party such as Simpson because his Complaint was signed in violation of F.R.Civ.P. 11(b). By certifying [via his signature on the Complaint], F.R.Civ.P. 11(a)] Mr. Simpson has represented that his Complaint has not been presented for an improper purpose or to harass or cause unnecessary delay or expense, that his claims are supported by existing law or by a good faith argument for an extension or change in existing law, that the allegations and factual contentions have, or are likely to have after a reasonable opportunity for investigation, evidentiary support, and, that the denials or other factual contentions are warranted by the evidence [F.R.Civ.P. 11(b) 1, 2, 3, 4].

It is clear that Mr. Simpson's Complaint is groundless, frivolous, was filed for improper purposes, his claims and defenses are not warranted in law, that he ignores unfavorable precedents, that his pleadings lack evidentiary support, and that his conduct throughout the prosecution of this claim has been committed in

bad faith.

Additionally, this court must take into consideration in determining the motive of Simpson that the Plaintiff has commenced two (2) separate and identical proceedings against two (2) other former members of the Board of Directors of Sapphire Bay Condominiums West. Plaintiff has commenced an action in the District Court of the Virgin Islands, Division of St. Thomas and St. John entitled George R. Simpson v. George Wood (civil number 07-47)², and another action that is pending in the Superior Court of the Virgin Islands Division of St. Thomas and St. John entitled George R. Simpson v. Steven Kerschner (civil number 250-05)³. Both of these actions brought by Simpson are identical to the “Sokolow” case that Simpson has brought against other former members of the Board of Directors of “Sapphire”. Simpson’s conduct in commencing multiple proceedings against other board members for the same identical claims can be described as nothing less than *multiplying proceedings unreasonably and vexatiously*; therefore, Simpson has opened the door for a required finding that Simpson has multiplied the proceedings unreasonably and vexatiously and therefore must pay costs, expenses and attorney fees incurred because of this conduct. Simpson’s conduct is egregious behavior that violates recognized standards of litigation.

Simpson’s sanctionable conduct however does not stop there! The following underscores Simpson’s motivation and his abuse of the Judicial system. His (Simpson’s) repetitive wrongful conduct, his wild and defamatory statements about his adversaries and their counsel expose Simpson’s true intent.

Simpson, immediately after being advised that his claims against Sokolow have no merit, opened an internet website entitled www.StephenSokolowSucks.com (exhibit 5). His website urges the public to “read a copy of the complaint filed in Federal Court against Stephen Sokolow”.

Additionally, Simpson has commenced lawsuits against Sokolow’s counsel Alan R. Feuerstein and the law firm of Feuerstein & Smith LLP. A motion to dismiss the Simpson action is pending in the District

² George Wood (like Sokolow) is also a former President of the Board of Directors of “Sapphire”

³ Steve Kerschner (like Sokolow) is also a former member of the Board of Directors of “Sapphire”

Court of the Virgin Islands, Division of St. Thomas and St. John.⁴ Immediately after bringing the lawsuit against Attorney Alan R. Feuerstein Simpson set up two more websites; www.AlanRFeuersteinSucks.com (exhibit 6) and www.FeuersteinAndSmithSucks.com (exhibit 7).

Andrew L. Capdeville, an attorney who is also a defendant in the Simpson v Alan R. Feuerstein and Andrew L. Capdeville lawsuit also has been victimized by Simpson as a result of Simpson's erecting the www.AndrewCapdevilleSucks.com website (exhibit 8).

Simpson is also a litigant in this court in two additional cases involving copyright infringement and an alleged civil rights claim. He has commenced proceedings against The Town of Southampton⁵ and incredibly, has established yet another website www.SouthamptonTownSucks.com (exhibit 9).

In the case Simpson filed against former "Sapphire" board member George Wood (supra) he now victimizes his opponent by setting up the website www.GeorgeWoodSucks.com. (exhibit 10).

V. Simpson v Golden

The case of George R. Simpson v Myrna Golden (civ. No. st-04-cv-000318 pending in the Superior Court of the Virgin Islands, Division of St. Thomas and St. John) has been cited to this court in support of the defendant's motions to dismiss the plaintiff's complaint. Defendant has cited Simpson v Golden to the court in support of Defendant's position that the mandatory arbitration provisions included in the by-laws of "Sapphire" are a complete bar to Simpson's complaint. Defendant also has cited Simpson v Golden to the court to show that Simpson has no standing (having sold his condominium unit long before he commenced the instant suit) and that he is not a real party in interest. Simpson commenced the "Golden action" in the St. Thomas Superior Court and therefore is bound by the decisions and orders of that court as a "party plaintiff".

Simpson, in response to Defendant's reference to Simpson v Golden has repeatedly accused Defendant's counsel Alan R. Feuerstein of "dishonesty" "misrepresentation" and alleges that the judge (Hon.

⁴ See *George R. Simpson vs Alan R. Feuerstein and Andrew Capdeville*, action pending in the District Court of the Virgin Islands, Division of St. Thomas and St. John; civ no.2007-51.

⁵ See *George R. Simpson v Town of Southampton* [U.S. District Ct.(E.D.N.Y.) civ no:06-6743].

Brenda Hollar) in Simpson v Golden made an error in her decision and in her order and corrected her order in a transcript but never corrected the written order because judges are “very busy” and that this is not unusual for busy judges. In Defendant’s opinion, the decision of Judge Hollar in Simpson v Golden is the “deathknell” to Simpson in his case. Simpson has misrepresented the ruling of Judge Hollar to this court and since his oppositions to Defendant’s motions to dismiss his case, he has compounded his misrepresentations by filing a disingenuous “Rule 11” motion against Alan R. Feuerstein alleging “dishonesty” “perjury” and other outrageous conduct all of which is totally untrue.⁶

Defendant now advises the court that the St. Thomas Virgin Islands Court has issued a “sanction order” against Simpson in Simpson v Golden dated November 20th 2007 (exhibit 11), which orders that Simpson Fifteen-thousand Dollars to Golden as attorneys’ fees and specifically states:

“The Plaintiff Simpson sued Golden, alleging that Golden, the owner/lessee of unit A-3 of the condominium complex known as Sapphire Bay Condominiums West, owns a cat and her ownership of the cat failed to adhere to the rules and regulations prohibiting cats at the condominium complex, Sapphire Bay Condominiums West. Simpson maintained that he suffers from a cat (feline) phobia. Golden filed her answer to Simpson’s Complaint on July 21 2004 setting forth denials, affirmative defenses as well as counterclaims. The defendant has never replied to the Defendant’s counterclaims. After filing her Answer to Simpson’s Complaint Golden made a motion to dismiss, and the Court, on April 19, 2005 granted Golden’s motion to dismiss Simpson’s complaint based upon the fact that there was no jurisdiction over the case and the matter had to be referred to binding arbitration. Simpson has never sought binding arbitration in this case and before the court remains Golden’s motion for attorney’s fees as the prevailing party. The order of this court in favor of Golden resulted in a complete and full victory for Golden. Golden, therefore, is considered the prevailing party in this case because Golden initially demanded that the plaintiff withdraw his complaint because she alleged that Simpson’s case was totally frivolous, that there was no jurisdiction over the action, and that there was no viable claim that could be pursued. Simpson, despite the fact that he received the demand to Withdraw the Complaint, refused to do so and subsequently began to file additional motions and notices to the court, including a letter from a physician who was removed from the practice of medicine in the State of New York.....”⁷(emphasis added).

⁶ See exhibit four (4) attached hereto

⁷ See letter from Edmund Slakter M.D. and New York State Department of Health Orders attached as exhibit 12 hereto.

Simpson's refusals to withdraw his baseless complaint before this court, his attempts to misrepresent the results in Simpson v Golden, his bizarre conduct in erecting websites, his history of contumacious and vexatious conduct, and his continuous action in commencing identical multiple litigation in numerous jurisdictions must be considered by this court in assessing sanctions under F.R.Civ.P. 11.

VI. George R. Simpson v Randal James Hamilton Zwinge, AKA James Randi, et.al. (exhibit 13)

On the 14th of November 2007 Simpson filed his latest charade in the form of a new "lawsuit".⁸ A review of the allegations of Mr. Simpson in this case perhaps most succinctly allow one to analyze Mr. Simpson's *state of mind*. Apparently, based on a review of Simpson's latest federal court lawsuit, Simpson now has engaged in a "dispute" with the "James Randi Educational Foundation" and others because in August of 2007 he was not taken seriously with respect to Mr. Simpson's "E.T. Corn Gods" theory. A review of Mr. Simpson's Federal Court Complaint shows as follows (at paragraphs 16 through 22):

16. *In 1985, Plaintiff George R. Simpson, a notable engineer and inventor, was "visited" by extraterrestrial contact. He was told that there was a hidden language imbedded in the English language and that it was his job to determine the decoding rules for revealing the hidden meanings and to teach the world about the hidden messages. Plaintiff Simpson has worked twenty-two (22) years on this important project, first to uncover the code, then to document the decoding structure and translated messages.*
17. *Plaintiff George R. Simpson found that, indeed, the hidden language has been encrypted in English words by "God" or the "Supernatural" or "ET UFO's". This is an unprecedented appearance of "God", and the proof that "God/Supernatural/UFO ET" exists, and is here on Earth now. The decoded words/messages/lessons hidden in the English language are delivered to the human race to teach us and make us aware of things about ourselves and the world around us. The hidden meanings are often corny, silly, fun and sometimes boring; the translations result in brutally true criticisms of our present world. The Holy Bible has been pre-coded by "God/Supernatural/UFO ET" to contain hundreds of thousands, if not millions, of hidden meanings in English words, teaching and criticizing virtually all aspects of our cultures, lifestyles and religions.*
18. *The extend of the hidden meanings is **overwhelming**. The www.etcornngods.com website*

⁸ George R. Simpson vs Randal James Hamilton Zwinge aka James Randi, et. al. case filed in the United States District Court for the Southern District of Florida (civ. No. 07-22951).

(created in 1996) gives a full description of the language – complete with decoding (translation) instructions, examples and FAQ’s.

- 19. Learning to use the translation rules to decode hidden meanings is hard, requires long hours of study and practice, and the individual learning to decode must have a high IQ.*
- 20. Words (perhaps all words) decode into many other meanings. The meanings of decoded words/messages are open to the interpretation of the person performing the decodings, thus giving way to differences of opinion, and extensive argument.*
- 21. The use of the ET Corn Gods language is a new religion.*
- 22. Plaintiff projects that the ET Corn Cods language translations will end religion as we know it today.....”*

VII. Safe Harbor

This Motion for Sanctions is being brought against the Plaintiff, George R. Simpson, separately from any other Motion. It is being forwarded to Mr. Simpson on the 13th day of December, 2007 in order to comply with the “safe harbor” requirement as set out in F.R.Civ.P. 11 which requires that it may be filed twenty-one (21) days after it has been served on the opposing party [F.R.Civ.P. 11(c)(1)(A)].

VIII. Conclusion

Based upon the foregoing, sanctions should be imposed against George R. Simpson as a result of the foregoing. This Court should order that all attorney fees, costs and expenses be imposed against George R. Simpson as a result of his sanctionable conduct.

DATED: Buffalo, New York
December 13, 2007

Respectfully submitted,
FEUERSTEIN & SMITH, LLP

BY: *s/Alan R. Feuerstein*
Alan R. Feuerstein, Esq.
Attorneys for Defendant
Office and P. O. Address
17 St. Louis Place
Buffalo, New York 14202-1502
(716) 856-9704 Telephone
(716) 856-9707 Facsimile
FSLLP@aol.com

TO: George R. Simpson
Post Office Box 775
Hampton Bay, New York 11946

CERTIFICATE OF SERVICE

I, Alan R. Feuerstein, Esq., hereby certify that on the 13th day of December, 2007 served the within Defendant Stephen Sokolow's Motion for F.R.Civ.P. Rule 11 Sanctions Against Plaintiff George R. Simpson via U.S. First Class Mail directed to the following:

George R. Simpson
Post Office Box 775
Hampton Bay, New York 11946

s/Alan R. Feuerstein

Alan R. Feuerstein