

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

MAN AGAINST XTINCTION A/K/A)	
M.A.X,)	Civil Action No.: 21-cv-01131-TJK
)	
Plaintiff,)	
)	
v.)	
)	
Michael Pentony, et. al,)	
)	
)	
Defendants.)	

**DEFENDANT ARTHUR SAWYER’S MOTION TO SUPPLEMENT THE RECORD IN SUPPORT OF HIS
RENEWED AND AMENDED MOTION FOR PRE-FILING INJUNCTION**

Defendant Arthur Sawyer filed his Renewed and Amended Motion for Pre-filing Injunction Against Plaintiff on March 31, 2022. Since that time, Plaintiff has continued his vexatious and inexcusable abuse of the legal system, necessitating this Motion to Supplement the Record to make the Court aware of Plaintiff’s egregious behavior.

INTRODUCTION

Plaintiff has doubled down on his intent to extort, extended his harassment to a purported 800 members of the lobstering community and the Massachusetts Lobstermen’s Association, admitted that his true goal is to force lobster fishers to use his invention, and upped the ante in his racist and sexist comments about a member of the federal judiciary, including most offensively commenting that the last three (3) appointees to the Massachusetts District Court are “ethnic women” and baldly stating that The Honorable Indira Talwani, an impeccably qualified jurist confirmed by the Senate in a 94-0 bipartisan vote, was appointed “based on ethnic and sexual discrimination as a willing soldier in the current cultural wars over woke and retributinal

[sic] racism.” Respectfully, this Court needs to act and stop Plaintiff’s rampage directed at the Massachusetts Lobstermen’s Association and its President Sawyer, as well as his abuse of the Court system, its jurists, clerks, and decorum.

POINTS AND AUTHORITIES

1. Plaintiff Attempts to Revive His Long-Dismissed Claims

Shortly over three weeks after Defendant Arthur Sawyer filed his Motion for Pre-filing Injunction, Plaintiff made a motion to consolidate his long-dismissed *MAX v. MEOEEA*, 19-cv-10639-IT case with his newly filed *M.A.X. v. McKiernan*, 22-CV-10364-IT, in which Defendant Sawyer is a defendant on the same claims that were already dismissed in *MAX v. MEOEEA*. (*MAX v. MEOEEA*, D. Mass. Dkt. # 103).¹ In this motion, Plaintiff alleges that the Honorable Judge Talwani has a bias against him such that he is “just a lying sack of shit of a working-class man that should not even be allowed in the courthouse unless I wear an orange jumpsuit while in chains.” (*Id.* at 2.) He continued his assault on Judge Talwani, misgendering her and stating “Talwani is just a judicial coward who refuses to obey his oath . . .” (*Id.* at 4.) He then stated that Judge Talwani “personally owe[d] him the \$1,600,000 [in pro bono legal fees]. I need you to pay me to get some new top flight shysters to represenmt [sic] me in my new ESA prosecution *against the same defendants.*” (*Id.* at 7) (emphasis added).

2. Plaintiff Continues to Harass the Court and Defendant Sawyer

Plaintiff requested Defendant Sawyer waive service of his complaint in *M.A.X. v. McKiernan*, then denied ever doing so in a formal petition to the District of Massachusetts District

¹ Plaintiff has also initiated more lawsuits since the submission of the Renewed Motion for Pre-filing Injunction, including MAN AGAINST XTINCTION, as Citizen Attorney General aka Richard Maximus Strahan v. Cocsco Container Lines Amerika Inc.; Mediterranean Shipping Company (USA) Inc.; CMA CGM (AMERICA) LLC, 1:22-cv-10722 (D. Mass.) on June 14, 2022.

Court, despite evidence showing this request, and then disparaged Defendant Sawyer (or possibly his counsel), calling him a lying “bastard shyster.” (*M.A.X. v. McKiernan*, 1-22-cv-10364-IT, Dkt. # 669 at 1.) Notably, this petition was titled “M.A.X.’s Command That Shyster Talwani Rule On His Outstanding ECF Access Motion in *M.A.X. v. Whale Killing Bastards* and His Second Notice of Intent to Bring a *Bivens* Action Against Talwanna [sic] And Each of Its Law Clerks in June 2022.” (*Id.*) While Plaintiff has not followed through on his threat to sue Judge Talwani and her law clerks, he has made no shortage of disparaging remarks about Judge Talwani, Defendant Arthur Sawyer, or his counsel. Nor has he hesitated to attempt to extort money from Defendant Arthur Sawyer and the Massachusetts Lobstermen’s Association (“MLA”).

A. Disparagement Against The Honorable Judge Talwani

On June 27, 2022, Plaintiff filed his tenth motion to extend time to serve defendants in *M.A.X. v. McKiernan*, titling his motion, *inter alia*, “. . . And He Is Not Required to Supply Any Phone Number to the Evil Talwannas Staff Since This Criminal Nazi Has Unlawfully Ordered Staff Not to Communicate With Him Telephonically.” (*Max v. McKiernan*, 1-22-cv-10364-IT, Dkt. # 27.) The same day, he filed his tenth motion for recusal, titled “M.A.X. Petition for Shyster Tawwanna-Nazi to Recuse Itself For Refusing to Let Him Prosecute The Fishing Industry In the Court and Since It Will Be a Defendant For Violating His First Amendment Right to Petition The Courts – And to Piss Off!” (*Id.*, Dkt. # 28.)

After Judge Talwani appropriately denied Plaintiff’s tenth motion for recusal, Plaintiff escalated his rhetoric, filing a Motion titled “Judge Indira Talwani Is A ‘Whale Killing Bastard’” (*Id.*, Dkt. #33.) This vitriol-filled screed disparages Judge Talwani repeatedly, most risibly accusing her of being appointed to the court “based on ethnic and sexual discrimination as a willing soldier in the current cultural wars over woke and retribitional [sic] racism.” (*Id.* at 3.)

B. Disparagement Against Defendant Arthur Sawyer and His Counsel

On May 22, 2022, Plaintiff emailed Defendant Arthur Sawyer's undersigned counsel, falsely accusing him of lying to the court and stating "somewhere in your shyster pea-brain, you wanna [sic] pretend that I cannot withdraw my offer to waive summons. Wrong!" (Declaration of S. Blatchley in Supp. of Mot. to Suppl. Record ("S. Blatchley Decl."), Ex. A (May 22, 2022 Email).) Plaintiff then threatened to sue Mr. Blatchley for his representation of Defendant Sawyer, threatening, "[i]f you file a response to the original complaint which has never been served on Sawyer, I will add you as a defendant for violating the Civil Rights Act[.]" (*Id.*). He then threatened to seek the "disqualification", understood as "disbarment" for Sawyer's counsel. (*Id.*)

C. Attempts to Extort Money from Defendant Arthur Sawyer and the MLA

On June 15, 2022, Plaintiff sent Defendant Arthur Sawyer what appeared to be a good faith settlement offer, offering to "do a global settlement on claims against all members of the MLA" and to "dismiss Sawyer from the instant action and would not bring any further ESA fishing lawsuits against him" in exchange for a \$10,000 donation to "efforts to save the right whale." (S. Blatchley Decl., Ex B (June 16, 2022 Email).)

Before Defendant Arthur Sawyer could accept or reject the offer, Plaintiff (through an entity called Whale Safe) notified 800 members of the MLA (100's of which the undersigned has seen) that he would be bringing an ESA Section 9 Takings Claim against them. (S. Blatchley Decl. Ex. C (June 27, 2022 Email).) Under the ESA, this began a sixty-day clock from which, after it has run, Plaintiff will endeavor to "commence [an] ESA prosecution of every single licensed Lobsterpot fisher under Massachusetts and federal license" by adding all 800 individuals to the *M.A.X. v. McKiernan* lawsuit based on the same legal claim that has *already been dismissed* by Judge Talwani, i.e. that "simply deploying V[ertical] B[ouy] R[ope] in Right Whale Critical

habitat is an ESA9 take prohibited Conduct.” (*Id.*); *see also* (*M.A.X. v. McKiernan*, 1-22-cv-10364-IT, Dkt. # 29 (“ . . . M.A.X.s Notice That He Intends to Add 800 State Licensed Lobsterpot And Gill Net Fishers As Defendants After the Next 60 Days”).) Plaintiff revealed his true purpose behind this lawsuit in a June 28, 2022 email to Defendant Sawyer and Mr. Blatchley, titled “More Fishys on the Fryer”, wherein he stated:

Hi there. I believe in democracy. Just like you guys do. I believe I now need to get all my fellow fishers in a singleroom -- albeit a courtroom -- to decide what we can do together to protect biological diversity in New England. I am sick of the WINGOS and shysters and *that stupid bitch judge* trying to tell us what to do. Fugg 'em!
I invented fishing gear that is whale safe and will cost what we can afford as working class businesses.
I look forward to discussing this with you & the guys in the future.

(S. Blatchley Decl., Ex. D (June 28, 2022 Email).) (emphasis added). Plaintiff’s goal, as evidenced by the numerous extortionate emails already submitted to this Court, is not to save the whales, but to force lobstermen to buy his product.

After Defendant Sawyer decided to reject Plaintiff’s \$10,000 “global” settlement offer as unworkable in light of Plaintiff’s intention to bring 800 ESA claims Plaintiff’s abuse of the legal system escalated. He threatened to:

sue [Defendant Sawyer] in state superior to enforce the ESA and bring public nuisance, Massachusetts civil rights, and consumer fraud claim against him. I will get an instant PI hearing and I will ask the court to enjoin him also from serving on the MFAC . . . I will be suing Talwani to permanently get rid of her off all my lawsuits. Hopefully I can get WINGO shysters found guilty of consumer fraud.”

(S. Blatchley Decl., Ex. E (July 14, 2022 Email).) Further, after Sawyer sought to supplement his District of D.C. motion for pre-filing injunction, Plaintiff threatened that he would file a “notice” to

DDC Court on Friday informing Kelly that [if] it does not strike your harassing, Nazi anal fucked up motion by next week, then I am going to file

a Bivens action for his violating my constitutional right to petition the courts and to have him enjoined from any further action in that closed case. I will give you three guesses who else is going to be a defendant on that lawsuit. Your such a retard shyster.

(S. Blatchley Dec., Ex. F (July 18, 2022 Email).) Given the frequency and unrelenting nature of Plaintiff's abuses, it seems likely that his list of unacceptable actions will only continue to grow.

ARGUMENT

1. Plaintiff's Continued Vexatious Actions Warrant Consideration by This Court.

The Court has broad discretion to allow parties to supplement the record. *See Ramsey v. Moniz*, 75 F. Supp. 3d 29, 47 (D.D.C. 2014). Indeed, supplementation may be proper even after motions have been fully briefed if new relevant facts come to light. *See James Madison Project v. Dep't of Justice*, 330 F. Supp. 3d 192, 200–01 (D.D.C. 2018).

Here, patently relevant, new facts have emerged after the briefing concluded on Defendant Sawyer's Renewed Motion for Pre-filing Injunction. And Plaintiff cannot claim to be prejudiced by these new facts as they are all solely and exclusively his own written words and reactions which reveal his vexatious intentions. Plaintiff has filed a new action against Defendant Sawyer, continued to attack him and his counsel, has escalated his despicable rhetoric against Judge Talwani, and is now seeking to sue every lobster fisher in Massachusetts over already dismissed claims. This cannot be allowed to continue. This Court must exercise its discretion to allow these additional facts into the record and grant Defendant Sawyer's Motion to Supplement the Record. With these additional facts, the Court should also grant Defendant Sawyer's Renewed Motion for a Pre-Filing Injunction.

CONCLUSION

WHEREFORE, Defendant Arthur Sawyer, in his individual and official capacity, respectfully request this Court grant his Motion for Pre-Filing Injunction, incorporating Defendant's Proposed Order filed in conjunction with this present Motion, and grant such other relief which is just and equitable.

Defendant, Arthur Sawyer,
by his attorneys,

Dated: July 19, 2022

ECKLAND & BLANDO LLP

/s/SAMUEL P. BLATCHLEY
Samuel P. Blatchley, Esq. (#MA0039)
22 Boston Wharf Road, 7th Floor
Boston, MA 02210
(617) 217-6936
sblatchley@ecklandblando.com

Daniel J. Cragg, Esq. (#MN0016)
800 Lumber Exchange Building
10 South Fifth Street
Minneapolis, MN 55402
(612) 236-0160
dcragg@ecklandblando.com

CERTIFICATE OF CONFERENCE LOCAL RULE 7(m)

Per Local Rule 7(m), counsel for Arthur Sawyer contacted Plaintiff to request his position on this motion filing on July 18, 2022. On July 18, 2022, Plaintiff responded via email esistoo@yahoo.com and opposed the motion.

/s/SAMUEL P. BLATCHLEY
Samuel P. Blatchley, Esq.