

December 11, 2025

From: Maurice Fitzpatrick
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To: Honorable Judge Reed O'Connor
United States District Court (Northern District of Texas - Fort Worth Division)
Case No.: 4:25-cv-01272-O
Case Caption: AFG Companies, Inc. v. Genuine Lifetime LLC, et al.

Subj: **SUPPLEMENTAL NOTICE OF MAURICE FITZPATRICK REGARDING DOC. NO. 9 (JOINT STATUS REPORT), RENEWED JURISDICTIONAL CHALLENGE, AND OBJECTION TO LITIGATION PROCEEDING UNDER FRAUDULENT AND UNEXAMINED PRESUMPTIONS**

Your Honor:

I, Maurice Fitzpatrick (“undersigned”), appearing pro se, submits this Supplemental Notice to address the Joint Status Report filed on December 10, 2025 (Doc. No. 9), and to further supplement and renew the issues raised in the previously filed: (1) Notice of Jurisdictional Challenge, Civil Rights Objections, and Request for Clarification, submitted on December 1, 2025 (Doc. No. 7); and (2) Supplemental Declaration of Maurice Fitzpatrick (In Support of Doc. No. 7: Notice of Jurisdictional Challenge, Civil Rights Objections, And Request For Clarification), submitted on December 3, 2025 (Doc. Nos. 8 et. seq.).

This Notice is necessary to preserve the record and object to the continued progression of this case as though it presents a routine “contract dispute,” while material jurisdictional defects, civil-rights issues, attorney misconduct, discovery abuse, spoliation, whistleblower retaliation, improper standing of original and/or existing parties, and fraud-on-the-court concerns raised by the undersigned remain unresolved.

I. INCORPORATION OF PRIOR NOTICE OF JURISDICTIONAL CHALLENGE

The undersigned expressly incorporates by reference his prior: (1) Notice of Jurisdictional Challenge, Civil Rights Objections, and Request for Clarification (Doc. No. 7); (2) Supplemental Declaration of Maurice Fitzpatrick (In Support of Doc. No. 7: Notice of Jurisdictional Challenge, Civil Rights Objections, and Request for Clarification) (Doc. Nos. 8 et. seq.); and (3) All objections, arguments, and factual showings in that filing are reaffirmed herein.

II. THE JOINT STATUS REPORT (DOC. 9) PROCEEDS AS IF NO JURISDICTIONAL DEFECTS EXIST

Doc. No. 9 proceeds entirely as though no jurisdictional objections are pending, no civil rights challenges under 28 U.S.C. § 1443 have been raised, the undersigned is not a retaliated against whistleblower, victim, injured party, and the true injured party affected by conduct of plaintiffs, defendants, and the litigation, and that the parties may continue litigating without addressing the misuse of the undersigned's evidence, identity, and disclosures in related proceedings.

The Report ignores the procedural and substantive concerns raised by the undersigned relating to multiple forums, including 3:25-cv-00114-S and 2:25-cv-00104 (D. Wyo.), and thereby perpetuates the same exclusionary and retaliatory pattern already documented.

III. THE LITIGATION RELIES ON AN UNLAWFUL AND UNCHALLENGED PRESUMPTION OF LEGITIMACY

The parties and their counsel continue to litigate as though the BEN business combination, the IPO, and NASDAQ securities listing were lawful, valid, legitimate, and free from fraud, retaliation, or regulatory misconduct. This is a foundational presumption upon which all asserted claims rely, including standing, damages theories, and contractual positions.

However, the undersigned has repeatedly shown that he is a whistleblower with firsthand knowledge contradicting these assumptions, that retaliatory litigation continuing to date was used to silence him, that his evidence was misappropriated when attorneys Matthew Yarbrough, Jason Blackstone, and Alexis Nicole Del Rio (each principals and signatories) filed the 3:25-cv-00114 lawsuit on January 16, 2025, and that related litigation was concealed or strategically coordinated across jurisdictions.

Despite this, the parties and their counsel (current and former) now seek to proceed as though this Court may adjudicate claims arising from a structurally fraudulent transaction while excluding the whistleblower whose disclosures, evidence, first-hand knowledge, and lived experience undermine the entire premise.

IV. UNDERSIGNED IS THE TRUE PLAINTIFF PARTY IN INTEREST AND CONTINUES TO SUFFER PREJUDICE

The undersigned was induced into employment through fraud and under fraudulent pretenses (fraudulently hired), retaliated against and wrongfully terminated, deprived of unemployment compensation due to employer non-reporting, subjected to housing and financial destabilization, as well as different forms of continued retaliation and deprivations of rights including without limitation the coordinated, collaborative, and obstructive litigation occurring in Tarrant County (Case 017-352358-24), Denton County (Case 24-11876-442), and elsewhere (New York, Texas, and Wyoming). As if this was not enough, the undersigned had his name and evidence misused in federal litigation without his knowledge or consent, been added to the docket in 3:25-cv-00114 as a “Defendant” despite never being served or named, and had multiple filings struck, unfiled, or ignored as well as a 5th Circuit appeal completely “ghosted” by

attorneys (then representing Brand Engagement Network, Inc. (BEN), now repositioned as representatives/counsel of one or more defendants).

These acts materially prejudice the undersigned and obstruct his ability to assert his rights as a whistleblower, injured party, victim, and the true plaintiff in interest having already been subjected to severe prejudice and damages nearing a full two years.

V. THE COURT MAY NOT PROCEED WITHOUT ADDRESSING JURISDICTIONAL AND CIVIL RIGHTS CHALLENGES

Proceeding with Doc. No. 9, or any scheduling or merits-based litigation, while jurisdiction is challenged, standing of original and/or present plaintiff and defendant parties is disputed, fraud-on-the-court allegations remain unresolved, and civil-rights objections remain pending, would constitute ultra vires action and violate due process.

VI. CLARIFICATION REGARDING RELIEF SOUGHT AND RESERVATION OF RIGHTS

The undersigned clarifies that he is not requesting this Court to reframe or reclassify this case as a Civil RICO matter, nor seeking to be redesignated as a plaintiff within this misframed and jurisdictionally defective action.

Requesting such relief would imply that this Court:

- a. has jurisdiction,
- b. may restructure the pleading posture, and
- c. may adjudicate matters resting on fraudulent, retaliatory, and unlawful predicates, all of which the undersigned expressly contests including prior misjoinder of parties and the validity, legality and lawfulness of the March 14-15, 2024, Brand Engagement Network, Inc. business combination, initial public offering (IPO), and listing of securities on the NASDAQ Securities Exchange.

Rather, the undersigned maintains that:

- a. the litigation rests upon unlawful and unexamined presumptions,
- b. the original and/or present plaintiff and defendant parties, entities, associates, affiliates and/or assigns, themselves may lack standing to bring or assert one or more claims based on fraud, estoppel, public policy, unclean hands doctrine, and other matters affecting proper standing,
- c. parallel undisclosed lawsuits indicate coordinated procedural misconduct, and
- d. the wrongful exclusion of a retaliated against whistleblower, victim, injured party and true plaintiff in interest constitutes fraud upon the court.

The undersigned reserves all rights to assert his independent claims, including but not limited to potential civil RICO claims under 18 U.S.C. § 1964(c), civil rights, and constitutional claims under 42 U.S.C. §§ 1983, 1985, in a separate and properly framed proceeding before a court of competent jurisdiction.

Any actions taken in this case without resolving these foundational defects may be void or voidable and subject to collateral challenge.

VII. PRAYER

The undersigned respectfully requests that the Court:

1. Acknowledge receipt of this Supplemental Notice and referenced filings;
2. Address the unresolved jurisdictional and civil-rights objections previously raised;
3. Clarify the undersigned's proper legal status and standing as true plaintiff party in interest;
4. Clarify the legal status and legitimacy of standing of original and/or present plaintiffs and defendants;
5. Refrain from proceeding on Doc. No. 9 or any merits-based litigation until jurisdiction is resolved; and

6. Take judicial notice of the interconnected and coordinated litigation conduct across 3:25-cv-00114, 4:25-cv-01272, 2:25-cv-00104, and other related state and federal cases.

Dated: December 11, 2025

Respectfully submitted,

/s/ Maurice Fitzpatrick, Jr.
Maurice Fitzpatrick, Jr.
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Dallas, Texas 75260-9999
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Supplemental Notice of Maurice Fitzpatrick Regarding Doc. No. 9 (Joint Status Report), Renewed Jurisdictional Challenge, and Objection to Litigation Proceeding Under Fraudulent and Unexamined Presumptions*, including all referenced Exhibits, has been served on all counsel of record via electronic service through the CM/ECF system on December 11, 2025.

Respectfully submitted,

/s/ Maurice Fitzpatrick, Jr.
Maurice Fitzpatrick, Jr.
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