

Evidence Preservation Inquiry and Fw: Pre-Suit Notice of Claims (Cease and Desist / Carry-Over of Notice of Claims)

From: AFG Lawsuit (afglawsuit@yahoo.com)

To: shauna.wright@kellyhart.com; klayton.hiland@kellyhart.com; stephanie.garner@kellyhart.com; marianne.auld@kellyhart.com; meredith.knudsen@kellyhart.com; mhill@henryhilltx.com; lmccathern@mccathernlaw.com; myarbrough@buchalter.com; jblackstone@buchalter.com; amiller@mccathernlaw.com; adelrio@bakerdonelson.com; alexa.cooper@haynesboone.com; wyyoung@henryhilltx.com; michael.smith@solidcounsel.com; kelly.kleist@solidcounsel.com; yarbrough@fr.com; alexandria.pencsak@haynesboone.com; matthew@ybfirm.com; jdjunior@gmail.com; jason@ybfirm.com; legal@beninc.ai; bhenry@henryhilltx.com; jbryan@mccathernlaw.com; mark.hill@solidcounsel.com; bpryde@crowleyfleck.com; tstubson@crowleyfleck.com; matthew@wyocounsel.com; john@wyocounsel.com; robert@wyocounsel.com; andrew.p.young2@usdoj.gov; logan.weissler@haynesboone.com; matt.fry@haynesboone.com; reinsurance@bokf.com; dwalfish@katskykorins.com; leslie.sanderson@solidcounsel.com; brent.kugler@solidcounsel.com; cmansour@katskykorins.com; sfox@sheppardmullin.com; jclark@sheppardmullin.com; dpuente@sheppardmullin.com; aamerine@sheppardmullin.com; eric.whitney@arnoldporter.com; roger.crabb@solidcounsel.com

Date: Sunday, October 5, 2025 at 09:35 AM CDT

Counsel,

Please see the attached **Evidence Preservation Inquiry** (October 5, 2025), which supplements and incorporates my prior Notices of Claims previously sent to you and your clients.

This correspondence seeks confirmation that all electronically stored information (ESI) and related digital assets, including, but not limited to, the `ben.exchange` and `dhcacquisition.partners` domains, associated email servers, metadata, subdomains, and archived materials, have been fully preserved in their original, unaltered state.

Given the timing of the recent domain re-registrations, removals, and modifications relative to ongoing and foreseeable litigation, it is imperative that these materials be preserved immediately and that written confirmation be provided to my email within seven (7) calendar days of this communication.

Failure to confirm preservation or to produce a clear statement as to the status of these materials will leave me with no choice but to seek sanctions and/or adverse inference rulings as to each of your clients under FRCP and applicable Texas law, including under rule(s) of the Texas Disciplinary Rules of Professional Conduct.

This communication is made in good faith and without waiver of any rights, claims, or remedies available to me under federal or state law.

Sincerely,

Maurice Fitzpatrick, Jr.

Phone: (214) 694-1551

Email: afglawsuit@yahoo.com

----- Forwarded Message -----

From: AFG Lawsuit <afglawsuit@yahoo.com>

To: "shauna.wright@kellyhart.com" <shauna.wright@kellyhart.com>; "klayton.hiland@kellyhart.com" <klayton.hiland@kellyhart.com>; "stephanie.garner@kellyhart.com" <stephanie.garner@kellyhart.com>; "marianne.auld@kellyhart.com" <marianne.auld@kellyhart.com>; "meredith.knudsen@kellyhart.com" <meredith.knudsen@kellyhart.com>

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<jason@ybfirm.com>; "legal@beninc.ai" <legal@beninc.ai>; "bhenry@henryhilltx.com" <bhenry@henryhilltx.com>;
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Sent: Friday, September 5, 2025 at 11:24:14 PM CDT

Subject: Fw: Pre-Suit Notice of Claims (Cease and Desist / Carry-Over of Notice of Claims)

Counsel,

Please be advised that this correspondence serves as a formal Cease and Desist and Notice Carry-Over, expressly incorporating and extending the Notice of Claims dated August 6, 2025, previously sent to those attorneys and law firms identified here and in the below forwarded message and attachment, including counsel already of record in this matter. A copy of that Notice of Claims is attached and incorporated by reference as though fully set forth herein (see below forwarded message).

1. Knowledge and Imputed Liability

Your entry into this matter as counsel for Automotive Financial Group, Inc. ("AFG"), its executives, affiliated entities, and associated individuals, places you on full notice of the following:

- The existence of my claims under 18 U.S.C. §§ 1962(c) and (d) (RICO), 42 U.S.C. §§ 1983, 1985, and related statutes.
- The pending litigation and my forthcoming litigation against attorneys, firms, executives, and client-entities (as enterprise participants and beneficiaries) and for their roles in facilitating and perpetuating racketeering conduct, fraud upon the courts, whistleblower retaliation, and obstruction among other claims.
- The "Notice to One is Notice to All" principle as clearly stated in the August 6, 2025 Notice of Claims, imputing knowledge to you as new counsel.

2. Cease and Desist – Further Participation in Obstruction

You are directed to cease and desist from any further acts that advance or perpetuate enterprise objectives, including without limitation:

- The continuation (in Tarrant County or elsewhere) of false framing of the matter between the parties you represent and their opponents as merely a "contractual dispute" to the exclusion of the existence of substantial material evidence, information, testimony, and claims of ongoing fraud and racketeering conduct on the part of the parties, entities, and/or objectives you represent in furtherance of enterprise goals.
- The continued suppression, obstruction, and de facto denial of my timely and lawful November 12, 2024 Motion to Intervene, which remains adjudicated and without order.
- Continued discovery abuse, numerous misrepresentations, ongoing fraud upon the court, or concealment of material facts central to the fraudulently procured March 15, 2024 business combination, IPO, and NASDAQ listing of BEN securities (NASDAQ symbol BNAI/BNAIW) and the conspiracy to defraud and fraudulent inducement of my employment for deceptive and improper purposes followed by my wrongful and retaliatory termination.

3. Personal and Professional Liability

Please be advised that Kelly Hart & Hallman LLP, and you as individual attorneys, may be added to the roster of defendants in my forthcoming Civil RICO Complaint. Your actions from this point forward will be scrutinized as to whether they represent:

Good-faith legal advocacy within the bounds of ethical duties, or

Knowing participation in, or facilitation of, a continuing racketeering enterprise and their objectives including fraud being perpetrated upon the court (not exclusive to Tarrant County).

4. Litigation Hold and Preservation of Evidence

This letter further demands that you immediately:

- Institute an immediate litigation hold within your firm and among those you represent.
- Preserve all communications, notes, drafts, billing entries, and internal/external correspondence related to this matter, my intervention attempts, whistleblowing activities, or the public transaction involving Brand Engagement Network, Inc. (BEN), Automotive Financial Group, Inc. (AFG), and DHC Acquisition Corp. (DHCAC)

Failure to preserve such evidence will be pursued as additional predicate acts under 18 U.S.C. § 1519 (obstruction).

5. Standing and Next Steps

While the state case has procedurally moved forward without adjudication of my intervention rights, you are expressly on notice that:

- No lawful order has ever granted or denied my intervention in this matter (in Tarrant County) and has left me in a procedural limbo.
- All attempts to exclude me, whitewash my existence, my testimony, and my evidence, my claims, and for my damages are part of an ongoing cover-up phase of a racketeering scheme.

I will proceed with my Civil RICO action naming all responsible attorneys, firms, executives, and client entities jointly and severally.

Respectfully,

Maurice Fitzpatrick, Jr.
Pro Se Whistleblower, Injured Party, and Private Attorney General (18 U.S.C. §§ 1961–1968)
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Dallas, TX 75260-9999
Tel: (214) 694-1551
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----- Forwarded Message -----

From: AFG Lawsuit <afglawsuit@yahoo.com>

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Sent: Wednesday, August 6, 2025 at 12:44:02 PM CDT

Subject: Pre-Suit Notice of Claims

Dear Counsel,

Attached please find a formal Notice of Claims issued by me, Maurice Fitzpatrick, in my capacities as a whistleblower, injured party, and private attorney general under applicable federal statutes, including the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. §§ 1961–1968) and relevant civil rights laws.

This Notice is directed to your firm, your individual colleagues, and your respective clients, corporate and individual, who are implicated directly or indirectly through acts, omissions, or affiliations in the conduct described.

It provides detailed notice of the factual and legal bases of my claims, the scope of implicated parties and conduct, and the statutory violations to which each party may be subject. You are formally placed on notice of claims arising under constitutional law, federal statutory law, RICO, and related tort and equitable doctrines.

This Notice also preserves all rights, demands litigation holds, and is a prerequisite to forthcoming legal filings including, but not limited to:

- A potential Petition for a Writ of Certiorari to the United States Supreme Court, and
- A federal civil RICO complaint naming all relevant parties, to be filed in a forum of appropriate jurisdiction.

Please review the attached Notice carefully and circulate to all appropriate recipients within your firm, insurers, and among your clients. Should any party wish to engage in good-faith resolution discussions, I remain open to direct communication on a strictly non-obstructive basis and can be reached at the email below.

Respectfully,

Maurice Fitzpatrick, Jr.

Pro Se Whistleblower, Injured Party, and Private Attorney General (18 U.S.C. §§ 1961–1968)

General Delivery

Dallas, TX 75260-9999

Tel: (214) 694-1551

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327.3 KB



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213.4 KB