

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD ARJUN KAUL, et al	:	
	:	
Plaintiff,	:	C.A. No. 1:21-cv-06992-JPO
	:	
v.	:	
	:	
INTERCONTINENTAL EXCHANGE., et al,	:	
	:	
Defendants.	:	

**DEFENDANTS MEMORANDUM OF LAW IN SUPPORT
OF ITS MOTION TO DISMISS OR TRANSFER**

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I. INTRODUCTION

Now comes defendants Christopher J. Christie, Philip D. Murphy, and Gurbir S. Grewal (hereinafter the "NJ State Defendants"), by and through undersigned counsel, and submit this memorandum of law in support of their motion to dismiss pursuant to Fed. R. Civ. P. Rule 12(b)(3) and 28 U.S.C. § 1406(a) and for the issuance of an injunction against Mr. Richard Arjun Kaul that permanently enjoins him from filing any further lawsuits against the NJ State Defendants or any elected official or employee of the State of New Jersey that arise out of or relate to the suspension or revocation of Mr. Kaul’s New Jersey medical license.

Plaintiffs Richard Arjun Kaul and David Basch, who are proceeding pro se, allege that groups of doctors, attorneys, judges, politicians, medical associations, insurance companies, and corporations engaged in a vast conspiracy to, essentially, enslave the human race. Pls' Amend. Complaint ¶¶ 7-10 [ECF Nos. 14]. The defendants are individuals or entities that the plaintiff

Richard Kaul crossed paths with during years of litigation he imitated following the revocation of his license to practice medicine in New Jersey. By the plaintiffs' count, this is at least the eleventh case, in nearly as many jurisdictions filed by Mr. Kaul, alleging a similar conspiracy. [ECF Nos. 14 p. 69]. For reasons set forth below, the Southern District of New York is an improper venue for this case. See 28 U.S.C. § 1391(b). Furthermore, the allegations are unsupported, frivolous, malicious, and do not warrant a transfer but rather dismissal with prejudice as allowed under 28 U.S.C. § 1406(a).

This is the fourth case filed by Mr. Kaul in the Southern District of New York alleging grand a conspiracy related to the revocation of his license to practice medicine and just a small sample of the dozen or more of meritless cases filed by Mr. Kaul in other jurisdictions alleging the identical conspiracy. The issuance of an injunction against Mr. Kaul is thus requested and warranted due to his repeated frivolous pro se filings.

II. LEGAL STANDARD

Under Federal Rule of Civil Procedure 12(b)(3), a court should dismiss or transfer a complaint if the chosen venue is improper or inconvenient. To prevail on a motion to dismiss or transfer for improper venue, a defendant must present facts that will defeat the plaintiff's assertion of venue but the burden remains on the plaintiff to establish venue for each claim set forth in the complaint. *Pocahontas Supreme Coal Co. v. National Mines Corp.*, 90 F.R.D. 67, 69 (S.D.N.Y. 1981). "When venue is challenged, the court must determine whether the case falls within one of the three categories set out in § 1391(b). If it does, venue is proper; if it does not, venue is improper, and the case must be dismissed or transferred under § 1406(a)." *Atl. Marine Constr. Co. v. U.S. Dist. Ct. for W. Dist. of Tex.*, 571 U.S. 49, 56 (2013). According to § 1391(b):

a civil action may be brought in -

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred . . . ; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b).

For all venue purposes -

- (1) a natural person . . . shall be deemed to reside in the judicial district in which that person is domiciled;
- (2) an entity with the capacity to sue and be sued in its common name under applicable law, whether or not incorporated, shall be deemed to reside, if a defendant, in any judicial district in which such defendant is subject to the court's personal jurisdiction with respect to the civil action in question . . .

28 U.S.C. § 1391(c).

28 U.S.C. § 1406(a) provides that "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." Furthermore, the United States District Courts have the power to "protect the public, including litigants who appear before the Courts, from the depredations of those...who abuse the process of the Courts to harass and annoy others with meritless, frivolous, vexatious or repetitive appeals and other proceedings." *In re Hartford Textile Corp.*, 659 F.2d 299, 305 (2d Cir. 1981). A history of litigation entailing "vexation, harassment and needless expense to [other parties]" and "an unnecessary burden on the courts and their supporting personnel" is enough to warrant an

injunction that permanently enjoins a serial litigant from filing any further lawsuits. *In re Martin-Trigona*, 737 F.2d 1254, 1262 (2d Cir. 1984).

III. ARGUMENT

a. The Southern District of New York is an Improper Venue

This case does not fall within one of the three categories set out in § 1391(b). In paragraph three of the amended complaint, the plaintiffs allege only four of the fourteen defendants reside in New York. The venue is thus improper under § 1391(b)(1) because not all defendants reside in New York. Next, venue in New York is improper under § 1391(b)(2) because the events or omissions giving rise to the claim occurred in New Jersey.

The allegations related to New York include Mr. Kaul's denial of a license to practice medicine in New York, peculiar allegations of co-defendants failing to report Mr. Kaul's previous litigation to financial oversight agencies, and a claim of conspiring to transfer the case filed in the Southern District of New York to the District of New Jersey. Pls' Amend. Complaint ¶¶ 14-20; 67-93; 121. These allegations are at best claims of further injury from the revocation of Mr. Kaul's license to practice medicine in New Jersey. At worst, they are bald assertions made in a blatant attempt to shoehorn this case into the venue of New York.

As Mr. Kaul did in the Massachusetts litigation, he wrote letters requesting a license to practice medicine that plainly states his purpose in applying for a license was to establish a cause for litigation. See Pls' Amend. Complaint, Ex. 14 (letter to Stephen J. Boese):

This preliminary request is made principally for the purpose of ascertaining the likelihood of obtaining a license in your state, secondarily to establish whether the K5 defendants have caused me a "new racketeering injury" consequent to that illegal injury (revocation of New Jersey license on March 12, 2014) they caused by engaging in a "pattern of racketeering", as detailed in K5.

If your response is anything other than I would be granted a license, it will constitute a "new racketeering injury", and will provide a legal basis for the submission in the United States District Court of a RICO claim. It will also constitute further evidence in K5 of the damages caused to my estate by the Defendants.

Please note that if I receive no response by September 22, 2020, then this too will constitute a "new racketeering injury."

[ECF Nos. 14 p. 387].

The claims regarding the co-defendants' failure to report Mr. Kaul's previous litigation and conspiring to transfer previous litigation are similar ill-informed attempts to claim New York as a proper venue.

As this Court has stated, "[a] literal construction of the section, grounding venue only in the judicial district . . . in which the claim arose, would not support the contention that venue is proper in any of the several districts where part of the claim arises." *Metropa Co. v. Choi*, 458 F. Supp. 1052, 1055 (S.D.N.Y. 1978)(internal quotes omitted). The unsupported and implausible claims related to New York are offshoots and tangential allegations that stem from Mr. Kaul's imaginary conspiracy that originates in New Jersey. These peripheral allegations associated with Mr. Kaul's loss of his license to practice medicine in New Jersey do not make New York a proper venue.

New Jersey is the only district where the relevant events occurred. The plaintiffs' allegations center on the revocation of Mr. Kaul's license to practice medicine in the state of New Jersey. See Pls' Amend. Complaint ¶¶ 23-25, 47, 56, 72, 73, 91, 95, 101, 107, 115, 132 (alleging scheme to deprive Kaul of his license to practice medicine). Both Mr. Kaul and Mr. Basch were only licensed in the United States to practice medicine in New Jersey¹. See Pls' Curriculum Vitae

¹ There are no allegations by Mr. Basch against the Defendants Christie, Murphy, or Grewal; and those that are made against other defendants are based on activities in New Jersey. See PLs' Amend. Complaint ¶¶ 141-152

(ECF Nos 14 Exhibit 1). Dr. Kaul's license to practice medicine was revoked only in New Jersey. The relief sought includes the reinstatement of Mr. Kaul's license to practice medicine in New Jersey. See Pls' Complaint Ex. 7 (ECF Nos. 1-7)². New Jersey is the proper venue under § 1391(b)(2).

Lastly, venue is improper under § 1391(b)(3) because the case could and should be brought in another judicial district, namely New Jersey. For the reasons stated above, the Southern District of New York is an improper venue.

b. This Court and Others Have Ruled New Jersey is the Proper Venue

In the plaintiffs' complaint, they reference a myriad of litigations related to the revocation of Mr. Kaul's license to practice medicine in New Jersey. One of the first cases Mr. Kaul brought was in the Southern District of New York. See *Kaul v. Christie*, No. 16-cv-02364 (D.N.J. Feb 22, 2016)("original case"). Within the instant case, Mr. Kaul alleged the same conspiracy as he did in the original case. See e.g., PL's Complaint ¶¶ 69 -73; 300; 364; 592-593 [*Kaul v. Christie*, No. 16-cv- 02364 – ECF Nos 1]. This Court transferred the original case to the District of New Jersey after it found, *inter alia*, that both Mr. Kaul's residence during relevant times and the locus of operative facts were in New Jersey. Order to Transfer, p. 3 [*Kaul v. Christie*, No. 16-cv-02364 - ECF Nos. 19]. After the transfer, the New Jersey court eventually dismissed Mr. Kaul's federal claims with prejudice and declined to exercise jurisdiction over the remaining state law claims. Ct. Opinions [*Kaul v. Christie*, No. 16-cv- 02364 - ECF Nos. 300 and 449]. Mr. Kaul

(alleged Basch claims alleging "the insurance industry then file knowingly fraudulent lawsuits in state/federal court within the geographic boundaries of the State of New Jersey").

² Plaintiffs' amended complaint statement of relief refers the Court to Exhibit 7. The referenced exhibit is a letter unrelated to any relief sought. The plaintiffs' however made the same reference in their initial filing and Exhibit 7 to the initial filing includes six pages that is titled "settlement terms" and appears to be the relief sought.

appealed the decision and then voluntarily dismissed the appeal. See Notices of Dismissal [*Kaul v. Christie*, No. 16-cv-02364 - ECF Nos. 470].

In 2019, Mr. Kaul filed similar claims against similar defendants in the District of Columbia. See *Kaul v. Federation of State Medical Boards*, No. 20-cv-18853 (D.N.J. filed Oct. 1, 2019). The D.C. court considered the defendants' motions to dismiss or transfer, and transferred the claims against New Jersey residents to the District of New Jersey while dismissing the claims remaining. See Court Order [*Kaul v. Federation of State Medical Boards*, No. 20-cv-18853 - ECF No. 150]. In its order, the D.C. court reviewed Mr. Kaul's assertions of venue and found his contentions to be "demonstrably false." *Id.* at p. 17-18. In a fashion identical to the claims made in this case, the plaintiffs alleged that the District of New Jersey is "corrupted," and, thus, "in the interests of justice the case must be litigated in the United States District Court for the District of Columbia." *Id.* at 20 – 21. The D.C. Court stated that the allegations of corruption were "unsupported allegations [that] cannot be properly considered by the court;" but also laid out the proper procedure for Mr. Kaul to follow if he could show a fair judgment was impossible in New Jersey. *Id.* Mr. Kaul ignored the D.C. court's advice. He has never provided more than unsupported allegations of corruption nor has he availed himself to the procedures outlined by the court. Instead, he voluntarily dismissed the claims filed in the District of Columbia and chose to file identical litigation in other improper jurisdictions. See Notice of Dismissal [*Kaul v. Federation of State Medical Boards*, No. 20-cv-18853 - ECF No. 209].

At the beginning of this year, Mr. Kaul filed similar claims against similar defendants in the District of Connecticut, Massachusetts, and Northern District of Texas. See *Kaul v. Murphy*, No. 21-cv-00439 (D. Conn. filed Mar. 30, 2021); *Kaul v. Boston Partners*, 21-cv-10326 (D. Mass. filed Feb. 24, 2021); *Kaul v. Federation of State Medical Board*, 21-cv-00057 (N.D. Tex.

filed Jan. 11, 2021). The Connecticut court transferred the case *sua sponte* to the District of New Jersey. See Court Order [*Kaul v. Murphy*, No. 21-cv-00439 - ECF No. 18]. In its order, the Connecticut Court stated, "Plaintiff's Amended Complaint and 'RICO Case Statement' make clear that the events constituting the basis for his claims all occurred in the District of New Jersey." *Kaul v. Murphy*, No. 3:21-cv-00439, 2021 U.S. Dist. LEXIS 78276, at *2 (D. Conn. Apr. 23, 2021). After the transfer, Mr. Kaul voluntarily dismissed the case and again chose to frustrate the litigation process instead of seeking resolution of his claims on the merits. see Notice of Dismissal [*Kaul v. Murphy*, No. 21-cv-00439 - ECF Nos. 20].

The district court in Massachusetts likewise found that Mr. Kaul's filed his claims in an improper jurisdiction and stated that "[t]he overwhelming majority of his factual allegations relate to events and omissions occurring in New Jersey." See *Kaul v. Boston Partners, Inc.*, No. 21-cv-10326, 2021 U.S. Dist. LEXIS 143135, at *4 (D. Mass. July 30, 2021). The court decided to dismiss the case under 28 U.S.C. § 1406(a), instead of transferring it because Mr. Kaul (1) appeared to be forum shopping, (2) would likely voluntarily dismiss the case and refile in another jurisdiction if the case was transferred, and (3) the complaint was facially deficient under Fed. R. Civ. P. Rule 8(a). The court succinctly stated, "Moreover, even setting aside the complaint's organizational flaws, Mr. Kaul's substantive allegations are bizarre, far-fetched, and reliant on flawed premises." *Id.* *8.

In the Northern District of Texas, the magistrate judge described Kaul's litigation as "another chapter in a long saga of repetitive, frivolous lawsuits Kaul has brought against numerous defendants regarding revocation of his license to practice medicine." See Findings, Conclusions and Recommendations of the U.S. Magistrate J. p. 1 [*Kaul v. Federation of State Medical Board*, 21-cv-00057 – ECF Nos. 10]. The magistrate recommended dismissal of Kaul's

complaint based on *res judicata* for certain defendants and failure to state a claim against the remaining defendants. The magistrate further recommended dismissal with prejudice because "Kaul's claim against the remaining Defendants is factually empty and borders on the outrageous and scandalous. Even if permitted to replead, Kaul's claim against these remaining Defendants stem from actions that allegedly occurred over five years ago...Any such amended complaint against those remaining Defendants would be barred by limitations, and thus any amended complaint against them would prove futile and dismissal with prejudice is appropriate under the circumstances." *Id.* at p. 8.

For the reasons found by this Court in *Kaul v. Christie*, No. 16-cv- 02364, and in multiple other U.S. District Courts, New Jersey is the proper venue for the claims brought by Mr. Kaul and Mr. Basch. Moreover, dismissal of this action is appropriate and would be in the best interests of justice.

c. The Court Should Exercise its Power to Dismiss

Upon a determination that a case is in the improper venue, a court must decide whether to dismiss the case or transfer it. *Atl. Marine*, 571 U.S. at 56. Under Fed. R. Civ. P. Rule 12(i), "a district court judge [has] broad discretion ... to hear and decide [a] motion [to dismiss for lack of venue] before trial or to defer the matter until trial. The district court may conduct such a hearing based solely upon papers or by a proceeding in which evidence is taken. Because the federal rules provide no statutorily prescribed course, the district court is free to decide the best way to deal with this question, and its choice may be set aside on appeal only upon a finding of an abuse of discretion." *Knowles-Carter v. Feyonce, Inc.*, No. 16-cv-2532, 2017 U.S. Dist. LEXIS 233031, at *25 (S.D.N.Y. Sep. 23, 2017)(quoting *CutCo Indus. v. Naughton*, 806 F.2d 361, 364-65 (2d Cir. 1986)). "Courts will generally transfer such cases when it is clear wherein proper

venue would be laid." *Metropa Co. v. Choi* , 458 F. Supp. at 1055-1056.. Courts should not "waste judicial resources by transferring a case that is clearly doomed." *Daniel v. Am. Bd. of Emergency Med.*, 428 F.3d 408, 436 (2d Cir. 2005)(quoting *Phillips v. Seiter*, 173 F.3d 609, 610 (7th Cir. 1999)). Dismissal instead of transfer is often granted in cases where transfer to another forum would be futile such as when the statute of limitations has run, the plaintiff lacks standing, or the plaintiff has engaged in impermissible forum shopping. *Id.*; *Blakely v. Lew*, 607 F. App'x 15, 18 (2d Cir. 2015).

In *Blakely v. Lew*, the Court reviewed this district court's decision to dismiss instead of transfer a case seeking the recoupment of forfeited property from the Internal Revenue Service. 607 F. App'x at 17. The appellants had brought the suit in the Southern District of New York after multiple adverse rulings in the Eastern District of Michigan. *Id.* The cases involved the same underlying claims and issues, turned on the same facts, and ultimately requested the same relief. *Id.* The Court upheld the district court's ruling that it was brought in the same venue and warranted dismissal because the filing in the New York district "constituted impermissible forum shopping." *Id.* at 18.

The plaintiffs in this case are similarly attempting to abuse the litigation process. Mr. Kaul has filed similar lawsuits in various federal district courts around the country seeking identical recourse against a multitude of defendants including many of the defendants in this case. The districts in which Mr. Kaul has filed include: (1) the Southern District of New York; (2) the Northern District of Georgia; (3) the District of Columbia; (4) the Northern District of Texas; (5) the Northern District of Illinois; (6) the District of Connecticut; (7) the District of

Massachusetts.³ Mr. Kaul has also petitioned the Third Circuit and the U.S. Supreme Court⁴. In the last petition to the Supreme Court, Mr. Kaul sought "an order from this Court [the U.S. Supreme Court] to the United States District Court for the District of New Jersey, that prohibits all judges from any participation/involvement to any degree in any aspect of *Kaul v Murphy*: 21-CV-13063, and assigns the case to any district court, outside of the Third Circuit." *In Re Richard Arjun Kaul, Petitioner*, No 21-5306 (U.S. filed Aug. 5, 2021)(petition den'd).

Mr. Kaul initially filed *Kaul v Murphy*, 21-cv-13063, against only five defendants in the Southern District of New York on June 15, 2021, alleging the same unsupported conspiracy as brought in this case and demanding the reinstatement of his medical license. Defendants Christopher J. Christie, Philip D. Murphy, and Gurbir S. Grewal, on whose behalf this motion is brought, were three of the five defendants. Six days after being filed, this Court transferred the case to the District of New Jersey. See Transfer Order [*Kaul v Murphy*, 21-cv-13063 – ECF Nos. 6]. The Court in the District of New Jersey dismissed 21-cv-13063 on July 9, 2021, without prejudice for the plaintiff's failure to comply with Fed. R. Civ. P. Rule 8(a)(2). Within its decision, the court found that Mr. Kaul "has been a frequent, vexatious litigant before this court..." *Kaul v. Murphy*, No. 21-cv-13063, 2021 U.S. Dist. LEXIS 158163, at *2 (D.N.J. July 9, 2021). The Court further found Mr. Kaul's allegations "sparse at best" with "incoherent references." *Id.* The Court gave Mr. Kaul twenty-one days leave to amend his complaint. *Id.* *4.

³ See *Kaul v. Christie*, No. 18-cv-08086 (D.N.J. filed Apr. 9, 2018); *Patel v. Crist*, No. 19-cv-08946 (D.N.J. filed Feb. 5, 2019); *Kaul v. Fed'n of State Med. Bds.*, No. 20-cv-18853 (D.N.J. filed Oct. 1, 2019); *Kaul v. Fed'n of State Med. Bds.*, No. 21-cv-00057 (N.D. Tex. filed Jan. 11, 2021); *Kaul v. Allstate Ins. Co.*, No. 21-cv-00736 (N.D. Ill. filed Feb. 5, 2021); *Kaul v. Murphy*, No. 21-cv-00439 (D. Conn. filed Mar. 30, 2021); *Kaul v. Boston Partners, Inc.*, No. 21-cv-10326 (D. Mass. filed Feb 24, 2021).

⁴ *In Re Richard Arjun Kaul, Petitioner*, No. 19-5873 (U.S. filed Sep. 9, 2019)(petition den'd); *In Re Richard Arjun Kaul, Petitioner*, No 21-5306 (U.S. filed Aug. 5, 2021)(petition den'd); *Kaul v. Boston Partners*, No. 20-3522 (3rd Cir. filed Dec. 16, 2020); *Kaul. V. Christie*, No. 19-3113 (3rd Cir. filed Sep. 23, 2019); *In re: Richard Kaul*, No. 19-2958 (3rd Cir. filed Aug. 29, 2019); *In re: Richard Kaul*, No. 19-2375 (3rd Cir. filed Jun. 14, 2019); *In re: Richard Kaul*, No. 19-1977 (3rd Cir. filed May 1, 2019); *Kaul. V. Christie*, No. 19-1651 (3rd Cir. filed Mar. 29, 2019).

Mr. Kaul did not amend the complaint but rather chose to file, with Mr. Basch as a co-plaintiff, this four hundred-plus page complaint in the Southern District of New York on August 19, 2021. [ECF Nos. 1]. The plaintiffs' pleadings, in this case, remain a nearly incomprehensible diatribe from Mr. Kaul with unsupported allegations arising from the suspension of his license to practice medicine and incoherent references. A brief peek at the pleadings will demonstrate that the plaintiffs' complaint is once again the antithesis of the “short and plain statement” required under Fed. R. Civ. P. Rule 8(a), without any rational substance.

Finally, when a lawsuit is filed, it is presumed the plaintiff seeks to begin their case and obtain a resolution on the merits. *Goldlawr, Inc. v. Heiman*, 369 U.S. 463, 466–67 (1962). Accordingly, courts generally prefer to transfer rather than dismiss a case so that plaintiffs have the opportunity for their claims to be decided on the merits. *Id.* In this instance, Mr. Kaul's past behavior is the best indicator of future behavior. If this Court transfers this case to the proper venue, Mr. Kaul will in all likelihood voluntarily dismiss the case or abandon prosecution and file essentially the same suit in another federal district court other than in New Jersey. Mr. Kaul has deliberately disregarded court decisions and rulings wherein he was given multiple opportunities and instructions to present a viable case in the appropriate venue. He has proven himself unwilling or unable to pursue the merits of his claims. The Defendants have incurred considerable expense in responding to Mr. Kaul's baseless allegations in multiple jurisdictions, allowing a transfer will only add to the Defendants' burden with no hope of resolution. The madness must end and this case should be dismissed.

**d. An Injunction Against Mr. Kaul's Is Necessary to End His Abuse of the
Judicial System**

Court sanctions are justified against a litigant with a history of vexatious litigation who is likely to continue to abuse the judicial process and harass other parties. *Safir v. United States Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986)(discussion and listing of enumerated factors for determining if litigant's future access to courts should be restricted); *Liebowitz v. Bandshell Artist Mgt*, No. 20-2304-cv, 2021 U.S. App. LEXIS 21856, at *49 (2d Cir. July 23, 2021). Sanctions may include an injunction requiring the plaintiff to seek leave from this Court to file future claims or an injunction that allows other federal district courts to summarily dismiss lawsuits filed by the plaintiff in, or removed to, federal court. *Iwachiw v. New York State DMV*, 396 F.3d 525, 529 (2d Cir. 2005); *Sassower v. Abrams*, 833 F. Supp. 253, 268 (S.D.N.Y. 1993). For a U.S. District Court to impose the leave-to-file sanctions it must follow a three-step procedure: "(1) the court notifies the litigant that future frivolous filings might result in sanctions; (2) if the litigant continues this behavior, the court orders the litigant to show cause as to why a leave-to-file sanction order should not issue; and (3) if the litigant's response does not show why sanctions are not appropriate, the court issues a sanctions order." *Viola v. United States*, 307 F. App'x 539, 539 (2d Cir. 2009)

In this case, Mr. Kaul has filed numerous meritless claims that have been determined by the district courts as vexatious and frivolous. In the Northern District of Texas, Mr. Kaul's filing was described as part of "a long saga of repetitive, frivolous lawsuits Kaul has brought against numerous defendants regarding revocation of his license to practice medicine." See Findings, Conclusions, & Recommendations p. 1 [*Kaul v. Fed'n of State Med. Bds.*, 4:21-cv-00057 – ECF Nos.10]. The same court went on to state:

Over the past decade, Kaul has filed lawsuits in multiple state courts and federal courts in Connecticut, the District of Columbia, Georgia, Illinois, Massachusetts, New Jersey, New York, and Texas. He has appealed cases to the United States

Court of Appeals for the Third Circuit and recently petitioned the Supreme Court for a writ of mandamus, which the Court denied.

In none of those cases, which Kaul has eponymously dubbed “the Kaul Cases,” did he present a meritorious claim for relief.

Id. p. 5-6.

More recently the New Jersey District stated,

Plaintiff has been a frequent, vexatious litigant before this Court and has filed numerous actions against various New Jersey state officials, federal officials, insurance companies, and medical licensing entities relating to the revocation of his license to practice medicine in 2014.

Kaul v. Murphy, No. 21-cv-13063, 2021 U.S. Dist. LEXIS 158163, at *2-3.

The Massachusetts District Court described Mr. Kaul's filings by stating his "substantive allegations are bizarre, far-fetched, and reliant on flawed premises." *Kaul v. Boston Partners, Inc.*, No. 21-cv-10326, 2021 U.S. Dist. LEXIS 143135, at *8. The court also stated, “Mr. Kaul appears to be engaged in forum shopping . . .” and “seems prepared to file essentially the same suit in any federal district court other than in New Jersey until he succeeds.” No. 21-cv-10326, 2021 U.S. Dist. LEXIS 143135, at *5. The same court also certified that “Mr. Kaul’s appeal is not taken in good faith because his legal points are not arguable on their merits and his case deserves no further judicial attention.” See Electronic Order [*Kaul v. Boston Partners*, 21-cv-10326 – ECF Nos. 70].

The conspiracy alleged by Mr. Kaul now includes a United States Senator, sitting federal judges, the previous and current New Jersey governors, multiple government officials, health care providers, attorneys, insurance companies, and private financial institutions. There is no logic to the scandalous allegations presented by the plaintiffs in this case or any of Mr. Kaul's claims of conspiracy. For instance, in *Patel v. Crist*, Mr. Kaul and another plaintiff alleged the identical conspiracy was designed to harass physicians who were of Indian descent and thus the

revocation of Mr. Kaul's state medical license. No. 19-cv- 8946, 2020 U.S. Dist. LEXIS 194712, at *8 (D.N.J. Oct. 20, 2020); The court dismissed the plaintiffs' case and in doing so stated:

Plaintiffs' allegations are entirely conclusory and, frankly, implausible. The SAC [second amended complaint] fails to include any specific allegations to support Plaintiffs' outlandish allegations. For example, Plaintiffs do not allege which state legislators were bribed, how the bribes to the state legislators or judges occurred, or where the secret servers are housed. Similarly, Plaintiffs do not include sufficient allegations by which the Court could infer that a conspiracy exists between Allstate or any other Defendant. Without factual allegations to support the conclusory and implausible theories in the SAC, Plaintiffs fail to state a claim. Thus, the SAC is dismissed in its entirety.

Id. *8-9.

Mr. Kaul's trail of litigation is only getting increasingly bizarre. In the amended complaint, the plaintiffs allege the former Governor of New Jersey conspired with the current Governor of New Jersey, the then-attorney general of the State of New Jersey, and two insurance companies to have him "jailed/injured/killed" on May 27, 2021. [ECF Nos. 14 ¶¶ 41, 71, 100, 120, 121]. Of note, Mr. Kaul was under court order during the relevant time that precluded him from "directly communicating, or attempting to directly communicate, with any represented Defendants or their relatives, and from entering the property where any represented Defendant resides" See Order p. 2 [*Kaul v. Murphy*, 21-cv-9788 – ECF Nos. 9]. Mr. Kaul documented the event in a letter sent to the Massachusetts District Court. See Letter [*Kaul v. Boston Partners* 21-cv-10326 - ECF Nos. 18]. From his pleadings and letter, it is apparent that Mr. Kaul is complaining of being arrested or detained for knowingly violating a court order. Thus, what started as a justified arrest or detention of Mr. Kaul became, to him, an unlawful arrest, then a kidnapping, and has now transformed into a plot to have him killed.

Mr. Kaul initially brought claims arising from the arrest in this Court. See Pl's Complaint [*Kaul v. Murphy*, No. 21-cv-13063 - ECF Nos. 1]. The case was transferred six days after filing

to the District of New Jersey. See Transfer Order [Kaul v. Murphy, No. 21-cv-13063 - ECF Nos. 6]. The New Jersey District court reviewed the filing *sua sponte*, dismissed the case for the plaintiff's failure to comply with Fed. R. Civ. P. Rule 8(a)(2), and stated:

Plaintiff's allegations related to his May 27, 2021 arrest are sparse, at best. Rather, Plaintiff spends most of his 77-paragraph Complaint referring to documents purportedly from the Kaul Cases, which he contends demonstrate "the culpability of certain judges and Defendants." (Id. ¶ 8.) These incoherent references to the exhibits attached to the Complaint disguise any potentially legitimate cause of action against Defendants because it is unclear how his arrest, or any violation of the Fourth Amendment, was related the Kaul Cases.

Kaul v. Murphy, No. 21-cv-13063, 2021 U.S. Dist. LEXIS 158163, at *3.

(D.N.J. July 9, 2021). The court then gave Mr. Kaul twenty-one days to amend his complaint. *Id.* *4. After making such scandalous allegations and being allowed time to submit a viable claim, Mr. Kaul either ignored or was unable to comply with the decision issued by the District of New Jersey. Instead, Mr. Kaul filed the same allegations as part of another new complaint in this Court and initiated this litigation just forty days after the New Jersey decision. The recent actions by Mr. Kaul demonstrate that he is likely to continue to abuse the judicial process and harass other parties.

For the reasons stated above, the NJ State Defendants respectfully request that the Court enjoin plaintiff Richard Kaul from commencing any more pro se actions in the District Courts of the United States without first obtaining leave from this Court and further allowing federal district courts to summarily dismiss lawsuits filed by the plaintiff in or removed to any other federal court. The madness and abusive filings perpetrated by Mr. Kaul must come to an end.

IV. CONCLUSION

For the reasons set forth above, the NJ State Defendants respectfully request this motion be granted and the plaintiffs' case dismissed under Fed. R. Civ. P. Rule 12(b)(3) and 28 U.S.C. §

1406(a). The Southern District of New York is an improper venue for this litigation and transfer would not be in the interests of justice. In addition, for good cause discussed above, the defendants request the Court issue an injunction limiting Plaintiff Richard Arjun Kaul's access to the District Courts of the United States.

Dated: November 29, 2021

Respectfully submitted,
Christopher J. Christie, Philip D. Murphy, and
Gurbir S. Grewal
By their attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2021, a copy of the foregoing filing was filed electronically through the ECF system. Notice and copies of this filing will be sent to the ECF registered parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system. A copy of the filing was sent via electronic mail to the plaintiffs at drrichardkaul@gmail.com and dbbortho@yahoo.com.

/s/ Paul E. Dwyer
Paul E. Dwyer, Esq.