

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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JOSEPH RAKOFSKY, and	:	
RAKOFSKY LAW FIRM, P.C.	:	Index No. 105573/11
	:	
Plaintiffs,	:	Justice Emily Goodman
	:	IAS Part 17
- against -	:	
	:	
THE WASHINGTON POST, et al.,	:	<b>AFFIDAVIT OF REND SMITH</b>
	:	<b>IN SUPPORT OF DEFENDANTS'</b>
Defendants.	:	<b>MOTION TO DISMISS AMENDED</b>
-----	x	<b>COMPLAINT</b>

DISTRICT OF COLUMBIA        )  
  ) ss.:  
CITY OF WASHINGTON         )

Rend Smith, being duly sworn, deposes and says:

1. I submit this affidavit in support of the motion by myself, CL Washington, Inc. (“CL Washington”), and Creative Loafing, Inc. (“Creative Loafing”) to dismiss the Amended Complaint in this action. I am over the age of 18 and competent to make this affidavit. I have personal knowledge of the statements sworn to below.

2. I reside in Falls Church, Virginia.

3. I am and have been at all times relevant to this action an employee of defendant CL Washington Inc., serving as a news reporter for *The Washington City Paper* and its website [washingtoncitypaper.com](http://washingtoncitypaper.com) (“WCP”), the publication at issue in this action.

4. WCP is owned and operated by defendant CL Washington Inc., a Florida corporation with its principal place of business at 2390 Champlain Street, NW, Washington, D.C.

5. My work address is 2390 Champlain Street, NW, Washington, D.C.

6. On April 4, 2011, I researched and wrote the article at issue in this action, entitled “N.J. Lawyer Doesn’t Care What D.C. Thinks of Him” (the “Article”). I did so in my office in Washington D.C.

7. After completing the Article, I submitted it to my editor for editorial review before publication, all of which took place in Washington D.C.

8. I caused the Article to be uploaded onto washingtoncitypaper.com on April 4, 2011 from my office in Washington, D.C. The Article was not published in the print edition of WCP.

9. All of my work relating to the research, writing, editing, and publication of the Article was performed in the District of Columbia.

10. I did not travel to New York, send any emails, letters, faxes, or text messages into New York, or place any calls to New York in the process of researching, writing, or publishing the Article. When I spoke with Mr. Rakofsky by telephone in the course of researching the Article, I called him at a Washington D.C. telephone number that was provided on his law firm’s now-defunct website.

11. I do not maintain an office in New York. WCP is a local D.C.-area newspaper whose coverage focuses on a D.C.-area readership.

12. I do not own or lease any real property in New York.

13. I do not have a mailing address in New York.

14. I do not have a New York driver’s license.

15. I am not registered to vote in New York.

16. I do not pay any taxes in New York.

17. I do not maintain any banking or investment accounts in New York.

18. I resided in New York City for six months in 2009. During that time, I was employed by *The Village Voice*, but left that position in September 2009.

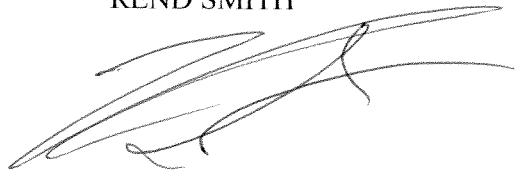
19. In September 2009, I returned to the Washington D.C. area and lived with my former girlfriend in an apartment in Washington D.C. from September 2009 to December 2009.

20. From January 2010 to March 2010, I spent time in Buffalo, New York, living with my former girlfriend in an apartment that we rented there. At that time, I did some freelance work for various publications.

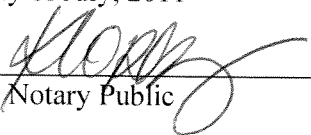
21. I returned to Washington D.C. to work as a reporter at WCP in March 2010. At that time, I rented an apartment in Falls Church, Virginia, where I currently live. My former girlfriend remained in Buffalo. I have visited my former girlfriend in Buffalo three times since returning to Washington D.C., but none of these visits bear any relationship to the Article.

22. I did not know that Mr. Rakofsky was a resident of New York state at the time the Article was published, and I did not learn of this alleged fact until the filing of this lawsuit.

REND SMITH



Sworn to before me this  
19 day of July, 2011

  
\_\_\_\_\_  
Notary Public

