COUNTY OF NEW YORK	Χ	
JOSEPH RAKOFSKY and RAKOFSKY LAW FIRM, P.C.,		
Plaintiffs,		AFFIDAVIT IN SUPPORT OF MOTION
-against- THE WASHINGTON POST COMPANY, et al.,		Index No. 105573/2011
Defendants.		
	X	
COUNTY OF NEW YORK:) STATE OF NEW YORK:)		

DANIEL B. SLATER being duly sworn, deposes and says:

STIDDEME COLIDT OF THE STATE OF NEW YORK

- I. I am personally familiar with the facts set forth herein. I make this affidavit in support of the motion by Reuters America, LLC ("Reuters") and myself to dismiss the complaint. I understand that I am named as a defendant in this action. Although I have not been served with a summons and complaint, in the interests of expediency, I join in the motion to dismiss since the arguments made by Reuters apply equally to me.
- 2. In and around April 2011, I was a reporter under a contract with the news agency, Reuters, a subsidiary of Thomson Reuters Corporation ("Thomson Reuters"). I am not "owner," "partner" nor a controlling person of Thomson Reuters or Reuters, as I understand the Complaint erroneously states. I am a news reporter.
- 3. On or around April 4, 2011, in the course of my reporting, I became aware of a news article published by The Washington Post on the Internet on or about April I, 2011 entitled "D.C. Superior Court judge declares mistrial over attorney's competence in murder case" (the

"Washington Post Article.") The Washington Post Article was attributed to Mr. Keith L. Alexander who I understand to be a reporter for the Washington Post.

- 4. The Washington Post Article concerns the mistrial declared in the Dontrell Deaner Felony Murder Trial in Washington D.C. Superior Court, during which proceeding, a presiding judge made unflattering statements about the experience, abilities and ethics of defense counsel, Joseph Rakofsky, who is a Plaintiff in this lawsuit.
- 5. After reviewing the Washington Post Article, I believed it to be highly suitable for inclusion on the news aggregator webpage published by Reuters called "News & Insights" under the subheading "Summary Judgments." This webpage publishes succinct summaries of, and links to, various legal news stories which I, along with the editors at Reuters, believe to be of interest to lawyers and other members of the public generally, including those who use information services provided under the Thomson Reuters brand, such as "Westlaw."
- 6. On or about April 4, I prepared a report summarizing the Washington Post Article for inclusion on the "News & Insights: Summary Judgments" webpage, including an account of the proceedings and statements attributed to Judge William Jackson in the Washington Post Article.
- 7. In the preparation of my report for Reuters, I relied solely on the information reported in the Washington Post Article. I know the Washington Post to be a long-standing and highly-reputable news agency, and had no reason to doubt the truth of the Washington Post Article. I did not rely on any other sources in the preparation of my report. My report is a fair and true account of the proceedings in the Deaner murder trial as well as an accurate summary of the Washington Post Article.
 - 8. I do not know Joseph Rakofsky personally and did not know of him or of his law

firm, Rakofsky Law Firm, P.C., before I read the Washington Post Article. At the time that I prepared my report, I felt no malice or personal animus toward Mr. Rakofsky and his law firm and do not presently bear him any malice or ill will.

DANIEL B. SLATER

Sworn to before me on this day of June, 2011.

Notary Public

JEREMY ADAM SCHONFELD Notary Public, State of New York No. 02SC6237273 Qualified in New York County Commission Expires March 21, 2015

COUNTY OF NEW YORK	v	
JOSEPH RAKOFSKY and RAKOFSKY LAW FIRM, P.C.,	^	
Plaintiffs, -against-	Index No. 105573/2011	
THE WASHINGTON POST COMPANY, et al.,		mdex (vo. 1000/3/2011
Defendants.	X	•
STATE OF NEW YORK:)	^	
) ss.: COUNTY OF NEW YORK:)		

JENNIFER MUSARRA, being duly sworn, deposes and says, I am not a party to the action, am over 18 years of age and reside in Bayside, NY.

On June 22, 2011, I served the within **AFFIDAVIT OF DANIEL SLATER** addressed to the following person at the last known address set forth below:

BORZOUYE LAW FIRM, P.C. Attorneys for Plaintiff 14 Wall Street, 20th Floor New York, New York 10005

THE TURKEWITZ LAW FIRM Attorney for Defendant 228 East 45th Street, 17th Floor New York, New York 10017

DAVID BRICKMAN, P.C. Attorney for Defendant 1664 Western Avenue Albany, New York 12203

JOHN H. TESCHNER, ESQ. 132 Nassau Street, Suite 900 New York, New York 10038

JENNIFER MUSARRA

Sworn to before me this 22nd day of June 2011

Notary Public TORRES

NOTARY PUBLIC, STATE OF NEW YORK

NO. 01TO6065265

QUALIFIED IN KINGS COUNTY COMMISSION EXPIRES OCTOBER 15, 20 Index No. 105573/2011

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

JOSEPH RAKOFSKY and RAKOFSKY LAW FIRM, P.C.,

Plaintiffs,

-against-

THE WASHINGTON POST COMPANY, et al.,

Defendants.

AFFIDAVIT OF DANIEL SLATER

HERZFELD & RUBIN, P.C.

Attorneys for

Defendants-Reuters America LLC

Office and Post Office Address, Telephone, Facsimile
125 BROAD STREET
NEW YORK, N. Y. 10004
TELEPHONE (212) 471-8500
FACSIMILE (212) 344-3333

То:	Certified Pursuant to Rule 130-1.1-a
Attorney(s) for	By:Print name beneath
Service of a copy of the within Dated,	is hereby admitted.
	Attorney(s) for

Sir:—Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on

20

at

20

☐ NOTICE OF SETTLEMENT

that an order settlement to the HON. of the within named court, at

of which the within is a true copy will be presented for one of the judges

Μ.

Dated,

Yours, etc.
HERZFELD & RUBIN, P.C.

l*ttorneys for*

To

Office and Post Office Address, Telephone, Facsimile

NEW YORK, N. Y. 10004 TELEPHONE (212) 471-8500

Attorney(s) for