

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

-----X  
JOSEPH RAKOFSKY, and  
RAKOFKY LAW FIRM, P.C.,

Plaintiffs,

**NOTICE OF  
MOTION TO  
WITHDRAW AS  
COUNSEL**

Civil Action

-against-

IndexNo.: 105573/11

THE WASHINGTON POST COMPANY, *et al.*

-----X

PLEASE TAKE NOTICE that upon the annexed affidavit of movant in support of this motion we will move at the **Supreme Court of New York, Motion Submission Part, Room 130 at 60 Centre Street at 9:30 AM on July 1, 2011**, for an Order allowing the movant, a member of Borzouye Law Firm, P.C. and a member in good standing of the Bar of the State of New York, to withdraw as counsel for plaintiffs in this action.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Richard Borzouye, Esq.  
**BORZOUYE LAW FIRM, P.C.**  
14 Wall Street, 20<sup>th</sup> Floor  
New York, NY 10005  
(212) 618-1459  
(212) 618-1705  
AttorneyBorzouye@gmail.com

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

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

Plaintiffs,

**AFFIRMATION**

Civil Action

-against-

IndexNo.: 105573/11

THE WASHINGTON POST COMPANY, *et al.*

-----X

RICHARD D. BORZOUYE, an attorney duly admitted to practice in the Courts of the State of New York and a partner in the law firm of BORZOUYE LAW FIRM, P.C., attorneys for the plaintiffs, affirms under penalty of perjury:

- 1) I am familiar with the facts of this case and submit this Affirmation in support of this application to be relieved as attorney of record for plaintiffs.
- 2) This is an action to recover damages for injuries sustained by the plaintiffs due to the defamation published by the defendants.
- 3) Both plaintiffs have consented to this Motion to Withdraw as counsel.
- 4) No Prior application has been made for the same or similar relief.

**WHEREFORE**, it is requested that this application be granted and that this law firm be permitted to withdraw as counsel for the plaintiffs and be relieved as counsel as soon as possible and upon the granting of such application, that all further proceedings be



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JOSEPH RAKOFSKY, and  
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Plaintiffs,

**AFFIRMATION**

Civil Action

-against-

IndexNo.: 105573/11

THE WASHINGTON POST COMPANY, *et al.*

-----X

JOSEPH RAKOFSKY, an attorney duly admitted to practice in the Courts of the State of New Jersey and sole shareholder of the law firm of RAKOFSKY LAW FIRM, P.C., affirms under penalty of perjury:

- 1) I am familiar with the facts of this case and submit this Affirmation in support of this application to be relieved as attorney of record for plaintiffs.
- 2) This is an action to recover damages for injuries sustained by the plaintiffs due to the defamation published by the defendants.
- 3) Both plaintiffs have consented to the opposition of certain defendants' motion to admit counsel, *pro hac vice*.
- 4) No prior application has been made for the same or similar relief.

**WHEREFORE**, it is requested that plaintiffs' opposition to certain defendants' motion to admit counsel, *pro hac vice*, and that all further proceedings be stayed for 30



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COUNTY OF NEW YORK

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

Plaintiffs,

**AFFIRMATION**

Civil Action

-against-

IndexNo.: 105573/11

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-----X

RICHARD D. BORZOUYE, an attorney duly admitted to practice in the Courts of the State of New York and a partner in the law firm of BORZOUYE LAW FIRM, P.C., attorneys for the plaintiffs, affirms under penalty of perjury:

- 1) I am familiar with the facts of this case and submit this Affirmation in support of this application to be relieved as attorney of record for plaintiffs.
- 2) This is an action to recover damages for injuries sustained by the plaintiffs due to the defamation published by the defendants.
- 3) Both plaintiffs have consented to the opposition of certain defendants' motion to admit counsel, *pro hac vice*.
- 4) No Prior application has been made for the same or similar relief.
- 5) Mr. Rakofsky instructed the undersigned to grant any reasonable extension to any defendant who requested it. Plaintiffs have never been requested by Mr. Turkewitz for an extension of time to answer on behalf of any defendants.

Instead, it was Mr. Randazza who made the requests for extensions of time on behalf of the defendants named herein, long before any *pro hac vice* motion was filed with this Court, even though he was not, and is not, admitted to practice law within the State of New York; it would seem each request constituted one of many instances in which Mr. Randazza engaged in the unauthorized practice of law. On both occasions during which I was asked by Mr. Randazza for an extension of time to answer the Amended Complaint, I consented and agreed to the date specifically requested by him.

- 6) During a telephone conversation initiated by the undersigned to Mr. Randazza on or about May 16, 2011 in response to a call Mr. Randazza placed to the undersigned, to which Mr. Rakofsky was a party, with the undersigned's specific consent, Mr. Rakofsky and the undersigned having no advance knowledge of Mr. Randazza's role, if any, in this case, Mr. Randazza vilely and insultingly told Mr. Rakofsky to "shut the fuck up."
- 7) Mr. Rakofsky instructed the undersigned not to communicate with Mr. Randazza in any way.
- 8) If it were not for Mr. Randazza's vile and reprehensible insults, Mr. Rakofsky would never have instructed the undersigned to refuse to communicate with Mr. Randazza.
- 9) Mr. Randazza threatened the undersigned and "vowed to file grievances and a wiretapping crim[inal] complaint" against the undersigned if Mr. Rakofsky were to oppose Mr. Randazza's admission, *pro hac vice*. As a result of Mr. Randazza's threats to the undersigned, the undersigned withdrew as plaintiffs' attorney of

record, thereby requiring Mr. Rakofsky to seek new counsel, and interfering with Mr. Rakofsky's right to be represented by counsel of his choice.

10) If it were not for Mr. Randazza's threats to the undersigned, the undersigned would never have sought to be removed as counsel for the plaintiffs in the instant case.

11) On June 9, 2011, the undersigned wrote in an email to Mr. Turkewitz that:

"Pursuant to 4.2(a), you, and only you (and not Mr. Randazza) may communicate with Mr. Rakofsky." Despite this fact, Mr. Turkewitz has persisted in refusing to communicate with Mr. Rakofsky or to respond to Mr. Rakofsky's questions concerning Mr. Turkewitz's own request for an extension of time to answer the Amended Complaint.

12) Mr. Turkewitz has he refused to grant to plaintiffs a reasonable extension of time to respond to the motion Mr. Turkewitz filed on June 3, 2011.

13) The undersigned has filed a motion to be formally relieved as counsel. The plaintiffs have already agreed to accept the undersigned's resignation and removal from these proceedings.

**WHEREFORE**, it is requested that this application be granted and again, that this law firm be permitted to withdraw as counsel for the plaintiffs and be relieved as counsel as soon as possible and upon the granting of such application, that all further proceedings be stayed for 30 days after the granting of this motion to enable Plaintiff to obtain new counsel in the event that he and his law firm wish to pursue this action.

