

518-0001/1658187

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

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

Plaintiffs,

Index No.: 105573/11

-against-

THE WASHINGTON POST COMPANY  
KEITH L. ALEXANDER  
JENNIFER JENKINS  
CREATIVE LOAFING MEDIA  
WASHINGTON CITY PAPER  
REED SMITH  
BREAKING MEDIA, LLC  
ABOVETHELAW.COM  
ELIE MYSTAL  
AMERICAN BAR ASSOCIATION  
ABAJOURNAL.COM  
DEBRA CASSENS WEISS  
SARAH RANDAG  
MYSHINGLE.COM  
CAROLYN ELEFANT  
SIMPLE JUSTICE NY, LLC  
BLOG. SIMPLE JUSTICE.US  
KARVET & VOGEL,  
SCOTT H. GREENFIELD  
LAW OFFICE OF ERIC L, MEYER  
ERIC L. MAYER, *individually*  
GAMSO, HELMICK & HOOLAHAN  
JEFF GAMSO, *individually*  
CRIMEANDFEDERALISM.COM  
"JOHN DOE #1"  
ORLANDO-ACCIDENT LAWYER.COM  
"JOHN DOE #2"  
LAW OFFICE OF FARAJI A. ROSENTHALL  
FRAHJI A. ROSENTHALL, *individually*  
BENNETT AND BENNETT  
MARK BENNETT, *individually*  
SEDDIQ LAW  
MIRRIAM SEDDIQ, *individually*  
THE MARTHA SPERRY DAILY  
ADVANTAGE ADVOCATES  
MARTHA SPERRY; *individually*  
ALLBRITTON COMMUNICATIONS

AFFIDAVIT OF  
MICHAEL T. DOUDNA  
IN SUPPORT OF MOTION  
TO DISMISS THE  
COMPLAINT

COMPANY  
TBD.COM  
RESTORINGDIGMTYTOTHELAW.BLOGSPOT.  
COM  
"J.DOG84@YMAIL.COM"  
ADRIAN K. BEAN  
HESLEP & ASSOCIATES  
KOEHLER LAW  
JAMISON KOEHLER, *individually*  
THE TURKEWITZ LAW FIRM  
ERIC TURKEWITZ, *individually*  
THE BEASLEY FIRM, LLC  
MAXWELL S. KENNERLY  
STEINBERG MORTON HOPE & ISRAEL, LLP  
ANTONIN I. PREBETIC  
PALMIERI LAW  
LORI D. PALMIERI, *individually*  
TANNEBAUM WEISS, PL  
BRIAN TANNEBAUM, *individually*  
WALLACE, BROWN & SCHWARTZ  
GEORGE M. WALLACE, *individually*  
DAVID C. WELLS, P.C. and  
DAVID C. WELLS, *individually*  
ROB MCKINNEY, ATTORNEY-AT-LAW  
ROB MCKINNEY, *individually*  
THOMSON REUTERS  
DAN SLATER  
BANNED VENTURES, LLC  
BANNINAYION.COM  
"TARRANT84"  
UNIVERSITY OF ST. THOMAS SCHOOL OF  
LAW  
DEBORAH K. HACKERSON  
LAW OFFICES OF MICHAEL T. DOUDNA  
MICHAEL T. DOUDNA, *individually*  
MACE J. YAMPOLSKY & ASSOCIATES  
MACE J. YAMPOLSKY, *individually*  
THE LAW OFFICE OF JEANNE O'HALLERAN,  
LLC  
JEANNE O'HALLERAN, *individually*  
REITER & SCHILLER, PA.  
LEAH K. WEAVER  
AVVO CORPORATION  
JOSHUA KING  
ACCELA, INC.  
COLIN SAMUELS

THE BURNEY LAW FIRM, LLC and  
NATHANIEL BURNEY, *individually*

Defendants.

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State of California            )  
  )        ss.:  
County of Orange            )

Michael T. Doudna, being sworn, deposes and says:

1. I am a defendant in the above-captioned action, and the principal of defendant Law Offices of Michael T. Doudna. I make this affidavit in support of my and my law firm's motion to dismiss the complaint on the grounds that this court lacks personal jurisdiction.

2. I am an attorney who was admitted to the State Bar of California on December 10, 1985. My offices are located at 2700 N. Main Street, Suite 200, Santa Ana, CA 92705, in Orange County. I am not admitted to practice law in any State other than California, and I do not maintain an office in any other State.

3. I am a resident of the State of California, and have continually resided in California for my entire life (52 years).

4. I am a solo practitioner, and when I refer to myself and my practice in this affidavit, and I referring to my firm, the defendant Law Offices of Michael T. Doudna.

5. Approximately 90% of my practice pertains to representing defendants in criminal proceedings. The remainder of my practice is before the U. S. Bankruptcy Courts located in California, and other miscellaneous matters.

6. Typically, my clients are natural persons, who reside in or about Orange County. I have never advertised nor sought to obtain clients from outside of California.

7. As stated, I am not admitted to practice law in New York State, and accordingly have never practiced in New York, or any state other than California.

8. I have never visited New York State.

9. I have never had an office or other place of business in New York State.

10. I have never owned or leased real property in New York State.

11. I have never employed any individuals in New York State.

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

13. I have not represented any clients who resided in New York State.

14. Plaintiff concedes that my law firm has its principal place of business in California, and that I am its principal. Amend. Compl., ¶¶ 70, 71, Exhibit A. The apparent basis for me being named in the action was a news post that appeared on my blog.

15. In or about March 2011, I retained a law firm support services company, Kenney and Associates, Inc. (“KA”), to create a blog for my law firm for the purposes increasing the firm’s online exposure and to enhance my business.

16. KA placed the blog on the internet at the internet address (URL) “doudnalaw.wordpress.com” through a blog service, WordPress.org. The blog provided information about my firm, including the fact that I primarily handled criminal defense and bankruptcies cases. The blog included my contact information, i.e., my office address, telephone and fax numbers, email address, and URLs.

17. In order to create interesting content for the blog, KA located law-related newsworthy articles on the interest, and placed synopses of the articles on my blog, along with a hyperlink to the source article.

18. I relied upon KA to select appropriate articles and to draft suitable and accurate synopses for placement on my blog. I did not review the articles or synopses, either before or after publication.

19. The blog permitted visitors to “Leave a Reply”, if they provided their email address. Any such “replies” would be forwarded to KA, who would in turn, forward them to me. Thus, there was no direct contact from any visiting the blog to me or anyone in my office.

20. KA never forwarded any “replies” to me from the blog, presumably because none had been posted. I have never had anyone contact me and state that he or she had visited the blog, and had sought my services as a result.

21. By mid-April, 2011, I had not received any new business as result of the blog. I was, however, incurring fees by KA for maintaining the blog. Therefore, on or about April 14, 2011 I cancelled the KA’s services referable to the blog.

22. I have recently learned that KA did not immediately delete the blog since there was no cost to it to keep kept the blog online at WordPress.org.

23. On or about May 18, 2011, I learned that plaintiff had commenced this action against me. I called KA who confirmed that one of my blog postings pertained to plaintiff, and had been derived from an article posted in the online version of the ABA Journal. I directed KA to delete the blog in its entirety.

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Michael T. Doudna

State of California            )  
  )     ss.:  
County of Orange            )

Subscribed and sworn to before me on this \_\_\_\_\_ day of June, 2011,  
by Michael T. Doudna, proved to me on the basis  
of satisfactory evidence to be the person who appeared before me.

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