

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

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

Plaintiffs,

**SUPPLEMENTAL  
AFFIRMATION TO  
PLAINTIFFS'  
MOTION IN  
OPPOSITION TO  
CERTAIN  
DEFENDANTS'  
MOTION TO  
ADMIT COUNSEL  
PRO HAC VICE  
Civil Action**

-against-

IndexNo.: 105573/11

THE WASHINGTON POST COMPANY, *et al.*

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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 in the above-captioned action, affirms, under penalty of perjury, that:

- 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 the motion of certain defendants' motion to admit Marc Randazza, a member of the Bar of one or more jurisdictions other than New York, as attorney for such defendants, *pro hac vice*.
- 4) No prior application has been made for the same or similar relief.
- 5) As previously mentioned in the first Affirmation of the undersigned, 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.
- 6) As a direct consequence of the plaintiffs' filing of their memorandum of law in opposition to Mr. Turkewitz's motion to admit counsel *pro hac vice*, on Friday, June 24, 2011, at or about 4:17 PM, Mr. Randazza called the undersigned and left a message requesting that the undersigned return his call. Shortly thereafter, the undersigned returned his phone call. During that conversation, Mr. Randazza demanded a payment of \$5,000 from the undersigned; Mr. Randazza stated that if the undersigned failed to pay him \$5,000, he (Randazza) would file a civil "wiretapping" suit against the undersigned in the State of California. However, the undersigned has not, at any recent or relevant time, been physically present in the State of California and has never engaged in "wiretapping" in any jurisdiction nor has the undersigned, in any way, to the best of his knowledge violated the law of the State of California or any other jurisdiction.

- 7) Shortly after the undersigned terminated the phone call, Mr. Randazza, not content to assert his extortionate demands orally, made another attempt, this time in writing by sending to the undersigned over the Internet an email (a copy of which is annexed hereto and made a part hereof as **EXHIBIT A**), in which Mr. Randazza stated that: "I have one final offer for you to resolve the wiretapping civil suit. You make a donation of \$1,000 to one of these causes, and I'll waive any claims: 1. The Citizen Media Law Project 2. Public Citizen 3. The First Amendment Lawyers' Association Take your pick. Offer is open until Monday at Noon." The email was signed: "Marc John Randazza Randazza Legal Group."
- 8) Mr. Randazza and the Randazza Legal Group have published on their website, the domain name of which is "www.Randazza.com," that they are "PROUD MEMBERS OF THE FIRST AMENDMENT LAWYERS ASSOCIATION (emphasis added)." (See **EXHIBIT B**). Thus, by being a member of at least one of the organizations provided as being an acceptable recipient of the extortion money (*i.e.*, The First Amendment Lawyers' Association) Mr. Randazza demanded from the undersigned in his email, Mr. Randazza stood to benefit, directly or indirectly, from such an illegally-demanded (and possibly illegal if made) payment of money. At this writing, it is unclear whether The First Amendment Lawyers' Association, The Citizen Media Law Project and Public Citizen are or were aware of what would appear be Mr. Randazza's illegal and unethical attempts to extort money from the undersigned.

- 9) It is unclear whether Mr. Turkewitz is aware of the acts of Mr. Randazza described herein or of Mr. Randazza's intention to engage therein or was so aware when he moved for Mr. Randazza's admission *pro hac vice* in this case.
- 10) In sum, it would seem that Mr. Randazza has actually violated the law of one or more jurisdictions by threatening to initiate against the undersigned in the State of California, in which the undersigned has not been present at any relevant time, criminal legal process, who has not violated any law in such or any jurisdiction, if the undersigned did not pay him or organizations in which he may have a direct or indirect interest and from which he may derive an economic benefit, the sum of \$5,000.

**WHEREFORE**, it is requested that this application be granted and again, that the undersigned and the undersigned's law firm be permitted to withdraw as counsel for the plaintiffs in the above-captioned cause and be relieved as such 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 plaintiffs to obtain new counsel in the event that they wish to pursue this action.

Dated: New York, New York  
June 29, 2011

  
Richard Borzouye, Esq.  
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New York, NY 10005  
(212) 618-1459  
(212) 618-1705  
AttorneyBorzouye@gmail.com

# EXHIBIT A

**From:** Marc John Randazza <[mjr@randazza.com](mailto:mjr@randazza.com)>  
**Date:** Fri, 24 Jun 2011 14:26:30 -0700  
**To:** <[Richard@borzouyelaw.com](mailto:Richard@borzouyelaw.com)>  
**Subject:** Offer

Richard,

I have one final offer to you to resolve the wiretapping civil suit.

You make a donation of \$1,000 to one of these causes, and I'll waive any claims:

1. The Citizen Media Law Project
2. Public Citizen
3. The First Amendment Lawyers' Association

Take your pick.

Offer is open until Monday at Noon.

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Marc John Randazza  
**Randazza Legal Group**

# EXHIBIT B



# RANDAZZA

LEGAL

ABOUT THE FIRM PRACTICE AREAS ATTORNEYS OUR CLIENTS MEDIA & NEWS

WAM RANDAZZA  
JESSICA R. THOMPSON  
TODD LANEY RICE  
MARCUS J. FISCHER  
JENNIFER L. HENRY