

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., :
 : **AFFIDAVIT OF TALMADGE U.**
 : **(TAMMY) BAILEY IN SUPPORT**
 : **OF DEFENDANTS’ MOTION TO**
Defendants. : **DISMISS AMENDED COMPLAINT**
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STATE OF GEORGIA)
) ss.:
COUNTY OF COBB)

Talmadge U. (Tammy) Bailey, being duly sworn, deposes and says:

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

2. I am Vice President and Chief Financial Officer of defendant Creative Loafing, incorrectly sued in this lawsuit as “Creative Loafing Media.” Creative Loafing is a corporation organized and existing under the laws of the State of Florida. Creative Loafing’s principal place of business is 1911 North 13th Street, Suite W200, Tampa, Florida.

3. Creative Loafing has five wholly-owned subsidiaries: CL Washington, Inc., Creative Loafing Atlanta, Inc., CL Charlotte Inc., CL Chicago Inc. and CL Tampa, Inc.

4. Each of Creative Loafing’s subsidiaries owns and publishes a different newspaper. The subsidiary known as CL Washington owns and publishes *The Washington City Paper* and its website washingtoncitypaper.com (“WCP”), the publication at issue in this action.

5. Creative Loafing does not own or publish WCP. It does not do so now and it did not do so in April 2011 when the article challenged in the Amended Complaint in this action (the “Article”) was published on washingtoncitypaper.com.

6. CL Washington, Inc. is adequately capitalized, maintains separate corporate books from Creative Loafing, and maintains its own office space and equipment.

7. Creative Loafing does not engage in the preparation of content published in WCP. Creative Loafing did not have any role in preparing, editing or deciding to publish the Article in suit. Such decisions are made by the publisher and/or editorial staff of CL Washington.

8. Creative Loafing is not registered to do business in the State of New York. It does not have any offices, employees or other corporate presence in New York. In addition, Creative Loafing does not own any property, maintain any bank accounts, or pay any taxes in New York.

9. I was unaware of the existence of the Article until after it was published, and it was not brought to my attention until this lawsuit was filed.


TALMADGE U. (TAMMY) BAILEY

Sworn to before me this
19th day of July, 2011


Notary Public

