

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,

-against-

James Malcolm DeVoy IV's  
Affidavit in support of  
Defendants' Motion to Dismiss

THE WASHINGTON POST COMPANY, et al.,

Index # 105573/11

Defendants.  
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I, James Malcolm DeVoy IV, being duly sworn, deposes and says:

1. I am an attorney duly licensed and in good standing in the states of Wisconsin and Nevada, a resident of Nevada, and an attorney with Randazza Legal Group, which has been retained by the following defendants in this matter: (1) Eric Turkewitz, (2) The Turkewitz Law Firm, (3) Scott Greenfield, (4) Simple Justice NY, LLC, (5) blog.simplejustice.us, (6) Kravet & Vogel, LLP, (7) Carolyn Elefant, (8) MyShingle.com, (9) Mark Bennett, (10) Bennett And Bennett, (11) Eric L. Mayer, (12) Eric L. Mayer, Attorney-at-Law, (13) Nathaniel Burney, (14) The Burney Law Firm, LLC, (15) Josh King, (16) Avvo, Inc., (17) Jeff Gamso, (18) George M. Wallace, (19) Wallace, Brown & Schwartz, (20) "Tarrant84", (21) Banned Ventures LLC, (22) BanniNation, (23) Brian L. Tannebaum, (24) Tannebaum Weiss, (25) Colin Samuels, (26) Accela, Inc., (27) Crime and Federalism, (28) John Doe # 1, (29) Atnonin I. Pribetic, (30) Steinberg Morton, (31) David C. Wells, (32) David C. Wells P.C., (33) Elie Mystal, (34) AboveTheLaw.com, and (35) Breaking Media, LLC.

2. I have personal knowledge of the matters set forth herein.

3. I have verified through independent research that defendant "tarrant84," a client of Randazza Legal Group in this matter, is neither a resident nor a citizen of New York State, nor does "tarrant84" transact any business there.

4. I have also verified through independent research that defendant "John Doe # 1,"

author of defendant blog Crime & Federalism and a client of Randazza Legal Group in this matter, is neither a resident nor a citizen of New York State, nor does “John Doe # 1” transact any business there.

5. Moreover, the defendants numbered 7-32 in paragraph 1 and the accompanying Motion to Dismiss neither reside in nor transact business in New York State.

6. A true and correct copy of the Complaint originally filed with this Court by the Plaintiffs on May 11, 2011, initiating this action, is attached hereto as Exhibit A.

7. A true and correct copy of the Summons originally filed with this Court by the Plaintiffs on May 11, 2011, is attached hereto as Exhibit B.

8. A true and correct copy of the Amended Complaint originally filed with this Court by the Plaintiffs on May 16, 2011, is attached hereto as Exhibit C.

9. A true and correct copy of the Summons originally filed with this Court by the Plaintiffs on May 16, 2011, is attached hereto as Exhibit D.

10. I obtained the transcript of the April 1, 2011 hearing in *D.C. v. Deaner*, Case No. 2008-CF1-030325 (D.C. Superior Ct. 2008), from the D.C. Superior Court, and a true and correct copy of this transcript is attached to this motion as Exhibit E.

11. The screen capture of Plaintiff Joseph Rakofsky’s Facebook.com account’s “wall” depicting his status on March 31, 2011, exclaiming “1st-Degree Murder...MISTRIAL!” with attendant comments from others, is a true and accurate representation of that the Plaintiff’s Facebook.com status update from that day, and attached to this motion as Exhibit F.

12. I generated the WHOIS database registrations for the domain names <FinancialCrimeLaw.com> and <TrialSyndicate.com>, on August 30, true and correct copies of which are attached to this motion as Exhibit G.

13. Joseph Rakofsky made use of many other domain names prior to April 1, 2011, such as <WhiteCollarLawDC.com> and <WhiteCollarFirmCT.com>, but the contents of these sites' content was removed, presumably by Joseph Rakofsky, following the mistrial in *D.C. v. Deaner*. I did, however, have occasion to visit these websites following the *Deaner* mistrial and surrounding publicity, as several news and discussion websites linked to Rakofsky's numerous websites.

14. True and correct representations of the images and content previously found at <WhiteCollarFirmCT.com> and <TrialSyndicate.com>, and now archived on my hard drive, are attached to this Motion as Exhibit H.

15. While the content once found on <WhiteCollarLawDC.com> is long removed from the internet, the website YellowBot still lists it as the website for Joseph Rakofsky and Rakofsky Law Firm's District of Columbia office. A true and correct copy of this YellowBot entry, which I created on September 7, 2011, is attached hereto as Exhibit I.

16. A true and correct copy of Joseph Rakofsky's LawyerSearch profile is attached hereto as Exhibit J.

17. On or around April 1, 2011, I personally visited Joseph Rakofsky's websites and am familiar with their content. At that time, some of the Plaintiffs' webpages featured streaming videos of Mr. Rakofsky, one of which explaining his legal philosophy, and how it differed from that of other attorneys' -- and, in his own words, society at large. A true and correct copy of one of the webpages containing streaming video of Joseph Rakofsky is attached hereto as Exhibit K.

18. On August 23, 2011, I received an e-mail from Ervin Hall, an employee of the New Jersey State judiciary department, confirming Joseph Rakofsky's date of admission to the New Jersey Bar as April 29, 2010. A true and correct copy of that e-mail is attached hereto as Exhibit L.

19. On June 30, an advertisement was posted on <craigslist.org> soliciting an attorney to handle a “new” defamation case that had “many, many defendants” who the poster believed would attack the character of the attorney of record. In addition to Richard Borzouye’s withdrawal from this case,<sup>1</sup> the instant matter is also a recent defamation case with 81 defendants, and the Plaintiffs have previously accused the Defendants, and their counsel, of engaging in character assassination of the Plaintiffs and their attorney. Based on my knowledge of the above-captioned case, I believe it is nearly impossible for the craigslist advertisement to pertain to any other pending legal matter, and almost certainly was posted by Joseph Rakofsky. A true and correct copy of this advertisement, as it appeared on June 30, 2011, is attached hereto as Exhibit M.

20. On August 7, I conducted a search of the New York Secretary of State’s online business record registry to determine if plaintiff Rakofsky Law Firm had registered to do business within the state. To do this, I entered “rakofsky” as a search term. This search did not yield any entries for business entities registered with New York State. A true and correct copy of these results is attached hereto as Exhibit N.

21. On September 7, I visited the “about” page for <abovethelaw.com> and created a true and correct copy of its contents, attached hereto as Exhibit O.

22. On September 7, I visited the website <www.crimeandfederalism.com> and created a true and correct copy of its contents, attached hereto as Exhibit P.

23. On September 7, I visited the New Jersey Department of Treasury: Division of Revenue’s website and searched for business entities including the word “rakofsky.” The Department of Treasury’s website returned only one result, for Rakofsky Law Firm, P.C. A true

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<sup>1</sup> Richard Borzouye moved to withdraw as counsel in this case on June 27, 2011, a scant three days before this ad was posted in the New York section of <craigslist.org>.

and correct copy of these search results are attached as Exhibit Q.

24. A true and correct, redacted copy of the e-mail Joseph Rakofsky sent to the private investigator in the *Deaner* case, Bean (now a defendant in this action), in which Joseph Rakofsky asked Defendant Bean to “trick” the witness - referenced in Amended Complaint (Exhibit C) paragraphs 119-130, Exhibit E at 5:2-10, and is already an exhibit of public record in this case - is attached hereto as Exhibit R.

25. On July 21, I visited Joseph Rakofsky’s online dating profile on the website <jdate.com>, where Rakofsky uses the name “WallStreetLawyr.” As one of the photos available in the profile is the same as that used in Rakofsky’s facebook profile in Exhibit B, and many other descriptions within the profile align with what is known about Joseph Rakofsky (including his age, occupation, and place of residence), I concluded that this online dating profile belonged to Joseph Rakofsky. A true and correct copy of Joseph Rakofsky’s <jdate.com> dating profile is attached hereto as Exhibit S.

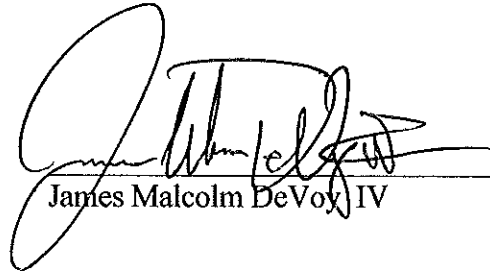
26. True and correct copies of the affidavits of service Joseph Rakofsky previously filed with this Court – which conspicuously excluded affidavits claiming service was made on defendants Bannination.com, Banned Ventures LLC, “Tarrant84,” Crimeandfederalism.com and “John Doe # 1” – are attached hereto as Exhibit T.

27. The absence of service affidavits for these four defendants, Bannination.com, Banned Ventures LLC, “Tarrant84,” Crimeandfederalism.com and “John Doe #1,” contradict Mr. Rakofsky’s prior in-court statements on September 15, 2011, asserting that all defendants had been served.

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Signed under penalty of perjury this 14<sup>th</sup> day of November, 2011

  
James Malcolm DeVoy IV

State of NEVADA    )  
                                  ) SS:  
County of CLARK    )

Dated: November 14<sup>th</sup>, 2011

Sworn to before me on the 14<sup>th</sup> day of November, 2011 by  
James M. DeVoy, IV —————

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires 12/01/2012.

(SEAL)

