

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-

THE WASHINGTON POST COMPANY, et al.,

Defendants.

David C. Wells' Affidavit in
support of Defendants' Motion
to Dismiss

Index # 105573/11

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David C. Wells, being duly sworn, deposes and says:

1. I submit this affidavit in support of the motion by myself, the Law Office of David C. Wells, P.C. ("Law Office"), and numerous other defendants to dismiss the Amended Complaint in this action. I am over the age of 18 and competent to make this affidavit. I have personal knowledge of the statements sworn to below.

2. I reside in Austin, Texas. I have resided in Austin, Texas continuously since August 1999, except for a period from May to August 2001, when I resided in Washington, D.C.

3. I am the sole shareholder of the Law Office. The Law Office is a professional corporation organized under the laws of the state of Texas. The Law Office is incorrectly named in the Amended Complaint and incorrectly described as being located in the state of Florida.


4. On or about May 20, 2011, I received a certified mail package with a return address of "RLF, 4400 US-9, Freehold, NJ 07728." The package was delivered to what was then the main office address of the Law Office, 700 Lavaca, Suite 1400, Austin, Texas 78701 (the "Lavaca address"). The package contained a single copy of the Amended Complaint.

5. On or about May 25, 2011, I was contacted by a process server with Professional Civil Process, a Texas-based private process serving company, who was attempting to serve papers at the Lavaca address.

6. I arranged to meet the process server later in the week at an alternate address, as the Lavaca address was merely to receive mail and deliveries.

7. On or about May 27, 2011, I met the process server at 1309 E. 7th Street, Austin, Texas 78702. He handed me two copies of the Amended Complaint.

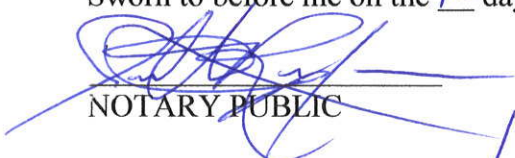
Signed under penalty of perjury this 13th day of Sept., 2011



DAVID C. WELLS

Dated: September 13, 2011

Sworn to before me on the 13 day of September, 2011



NOTARY PUBLIC

My commission expires 04/24/2013.

