

518-0001/1658718

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

AFFIRMATION OF
THOMAS A. CATALANO
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. PRIBETIC
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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Thomas A. Catalano, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms the following to be true under the penalties of perjury:

1. I am a member of Lester Schwab Katz & Dwyer, LLP, attorneys for defendants Law Offices of Michael T. Doudna and Michael T. Doudna (collectively, "Doudna"). I make this affirmation in support of Doudna's motion to dismiss the complaint on the grounds that the court lacks personal jurisdiction over Doudna, a California attorney, and for an award of sanctions based upon the commencement of a frivolous action.

2. As is more fully set forth in the annexed affidavits of Michael T. Doudna, Esq. and Harmony Kenney, and the accompanying memorandum of law, this court lacks personal jurisdiction over Doudna. Doudna practices law only in the State of California. He has no contacts with New York. The passive, minimally interactive internet blog maintained by him does not suffice to confer personal jurisdiction.

3. Further, plaintiffs did not have a reasonable basis to believe that personal jurisdiction could be obtained over Doudna in New York. It is apparent that plaintiffs' strategy was to sue everyone and anyone (79 defendants are named), regardless of whether any good faith basis existed to establish personal jurisdiction, with the goal of exacting multiple nuisance value settlements that would aggregate to a substantial sum.

4. In support of the motion Doudna submits the following exhibits:

A Amended complaint, filed May 16, 2011.

B Trial Transcript, *U. S. v Dontrell Deaner*, Superior Court of the District of Columbia, 2008-CFI-30325, April 1, 2011.

- C Email, from plaintiff Joseph Rakofsky to his investigator, defendant Adrian K. Bean, dated October 6, 2010.
- D The Washington Post article, “*D.C. Superior Court judge declares mistrial over attorney’s competence in murder case*”, dated April 1, 2011.
- E ABA Journal (Online) article, “*Astonished’ Judge Declares Murder Mistrial Due to Defense Lawyer Who Never Tried a Case*”, posted April 4, 2011.
- F Email from Joseph Rakofsky to Doudna demanding “nominal sum of \$5,000” to settle this action, June 9, 2011.
- G Letter from LESTER SCHWAB KATZ & DWYER, LLP to Joseph Rakofsky, dated June 13, 2011, responding to June 9, 2011 email, and offering to waive sanctions if action was discontinued as to Doudna.
- H Email from Joseph Rakofsky to LESTER SCHWAB KATZ & DWYER, LLC, , dated June 13, 2011, rejecting proposal.

WHEREFORE, Doudna’s motion to dismiss the complaint and for sanctions should be granted.

Dated: New York, New York
June 23, 2011

Thomas A. Catalano