

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

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MICHAEL J. KATZ, M.D. and MICHAEL J. KATZ
M.D. PC,

Index No.: 153581/2014

Plaintiffs,

-against-

LESTER SCHWAB KATZ & DWYER, LLP, PAUL L. KASSNER, THE TURKEWITZ LAW FIRM, ERIC TURKEWITZ, SAMSON FREUNDLICH, JOHN DOE No. 1 through JOHN DOE No. 10, and ABC CORP. No. 1 through ABC CORP. No. 10

Defendants.

**ATTORNEY AFFIRMATION
SUBMITTED IN SUPPORT OF
FREUNDLICH'S PRE-
ANSWER CROSS-MOTION
TO DISMISS**

----- X
STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

SAMSON M. FREUNDLICH, an attorney duly admitted to practice law before the Courts of the State of New York, hereby admits the following to be true under the penalty of perjury:

1. I am a member of the law offices of Samson M. Freundlich and without coincidence, am also the named defendant SAMSON FREUNDLICH for the within action. As such, I am fully familiar with the facts and circumstances herein.
2. This Affidavit is submitted in support of the Freundlich cross-motion seeking an Order: (a) dismissing plaintiffs' verified complaint pursuant to CPLR §§ 3211(a)(1) and (7), for failing to state a valid cause of action as a matter of law; (b) sanctioning plaintiffs, pursuant to CPLR § 8303-a and 22 NYCRR 130-1.1, given the frivolous nature of the subject verified complaint and plaintiffs' frivolous conduct; (c) sanctioning plaintiffs for their improper *ad damnum* clause, as its request for specified compensatory damages is in violation of CPLR § 3017(c); and (d) together with such other and further relief as this Court deems just and proper.

3. Without reciting the same factual history and narrative and resubmitting the same exhibits that have already been well documented and presented by counsel for co-defendants ERIC TURKEWITZ and THE TURKEWITZ LAW FIRM and based on my thorough review of the comprehensive pre-answer motion, attorney affidavit and memorandum of law filed on behalf of defendants THE TURKEWITZ LAW FIRM and ERIC TURKEWITZ by the law firm of LEWIS BRISBOIS BISGAARD & SMITH LLP, I hereby reiterate, stress, pinpoint, underscore, focus, resonate, emphasize and magnify their same, similar and identical legal posture to myself, defendant SAMSON FREUNDLICH and incorporate into this affirmation all of their said motion papers-including, but not limited to, their memorandum of law with their annexed respective exhibits previously submitted to this honorable court and heretofore respectfully adopt, restate and recapitulate, without exception, all of their legal and factual arguments presented therein in their entirety.

4. Pursuant to the foregoing, and as previously set forth, I hereby move, adopt and incorporate within my affirmation and defense the same legal arguments previously outlined and presented by LEWIS BRISBOIS BISGAARD & SMITH LLP in co-defendants TURKEWITZ and THE TURKEWITZ LAW FIRM pre-answer motion to dismiss, affidavit and memorandum of law; that plaintiffs' verified complaint as asserted against FREUNDLICH should also be dismissed in its entirety pursuant to CPLR §§ 3211(a)(1) and (7) and plaintiffs should be sanctioned pursuant to CPLR § 8303-a and 22 NYCRR 130-1.1 for commencing this frivolous action and seeking a specified amount of punitive and compensatory damages.

WHEREFORE, it is respectfully requested that this Court grant the cross-motion of Pro Se defendant SAMSON FREUNDLICH dismissing the verified complaint as asserted against him in its entirety, and sanctioning the plaintiffs for their frivolous and improper conduct, together with such other and further relief as this Court deems just and proper.

SAMSON M. FREUNDLICH