

SUPREME COURT: STATE OF NEW YORK
APPELLATE DIVISION, FIRST DEPARTMENT

-----x
JOSEPH RAKOFSKY and
RAKOFSKY LAW FIRM, P.C.,

Plaintiffs-Appellants,

-against-

THE WASHINGTON POST COMPANY, et al.,

Defendants-Respondents.
-----x

New York County
Index # 105573/11

Attorney's Affidavit Opposing
Motion to Enlarge Time

Eric Turkewitz, being duly sworn, deposes and says:

1. I am an attorney admitted to practice law in New York as well as a defendant in this action along with 80 other lawyers, law firms, media companies, and John Doe / pseudonymous defendants. I am also local counsel, along with Marc Randazza as *pro hac vice* counsel, to the 35 entities (16 individuals) listed in this Affidavit's Rider.

2. I make this Affidavit on personal knowledge. It focuses on the plaintiffs' second application to enlarge their time to perfect the appeal of their dismissed defamation suit, this time in order to engage in settlement discussions at an appellate conference.

3. But the time to perfect, which had already been extended by the court, expired on September 2nd as noted by plaintiff's counsel. The plaintiffs elected to default on this court's order having conceded that "pursuing this appeal would be unproductive."¹

4. The plaintiffs did not need our permission to abandon their appeal. They merely had to let the time expire. This they have done.

5. We oppose the motion, as the settlement conference they seek would be wasted time. We have judgment in the court below, and there is nothing to settle. The defendants concede the appeal has no merit, and the writers that we represent will not negotiate our

¹ Kaufman Affirm, ¶ 11

treasured First Amendment rights or any other aspect of this judgment. We would not give them even one half-penny to surrender a meritless action affecting our rights.

6. The court's rules are specific that perfecting an appeal (if one actually wants to pursue it) must take place irrespective of any conference: "Counsel are reminded that the scheduling of a pre-argument conference shall not excuse the parties from complying with this Court's Rules of Practice affecting the prosecution of appeals."²

7. In a nutshell, this case involves Joseph Rakofsky, a freshly admitted New Jersey lawyer that obtained a lead to a new client while in the criminal court building in Manhattan. The new client had been indicted for murder in Washington D.C and he went down there to defend the case as his very first trial. A mistrial was declared after a few days because, among other reasons, the presiding judge thought the defendant was not getting competent legal assistance within the meaning of the Sixth Amendment. The Washington Post published two articles on the subject, and law bloggers added much commentary that extended to the issues of Mr. Rakofsky's advertising his services in jurisdictions where he is not admitted (including New York) and boasting of legal experience he did not possess. Mr. Rakofsky proceeded to sue 74 different companies, people and other entities for defamation for discussing and opining on what transpired. After he was ridiculed on the Internet for having done so, he amended the complaint a few days later to add those that had made fun of him, bringing the total to 81 defendants. His attempt to amend yet again was shut down by the court when the action was dismissed.

² 22 NYCRR 600.17

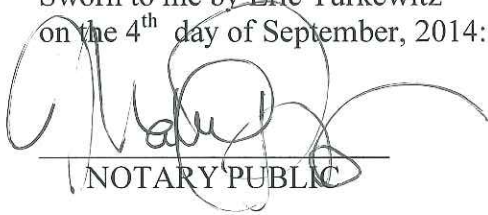
Dated: New York, New York
September 4, 2014



Eric Turkewitz, *pro se* and as counsel
to the defendants listed on the Rider

Marc J. Randazza
Pro Hac Vice
3625 S. Town Center Drive
Las Vegas, NV 89135

Sworn to me by Eric Turkewitz
on the 4th day of September, 2014:


NOTARY PUBLIC

MARIBEL RODRIGUEZ
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RO6264245
Qualified in Kings County
My Commission Expires June 25, 2016

Rider:

Parties represented by Marc Randazza (*pro hac vice*) and Eric Turkewitz (local counsel)

Writer/Defendant	Associated Entities	Amended Complaint ¶¶	Jurisdiction, per Amended Complaint	Total Defendants
Eric Turkewitz	The Turkewitz Law Firm	47-48; 172	Washington, DC	2
Scott Greenfield	Simple Justice NY, LLC blog.simplejustice.us Kravet & Vogel, LLP	19-21; 148-152; 212	New York	4
Carolyn Elefant	MyShingle.com	16-17; 146-147; 201	Washington, DC	2
Mark Bennett	Bennett And Bennett	32-33; 160; 206	Texas	2
Eric L. Mayer	Eric L. Mayer, Attorney-at-Law	22-23; 153; 203	Kansas	2
Nathaniel Burney	The Burney Law Firm, LLC	82-83;193-194; 198	New York	2
Josh King	Avvo, Inc.	78-79; 202	Washington State	2
Jeff Gamso		24-25; 154	Ohio	1
George M. Wallace	Wallace, Brown & Schwartz	57-58; 180-181	Florida	2
“Tarrant84”	Banned Ventures Banni	65-67; 185	Colorado	3
Brian L. Tannebaum	Tannebaum Weiss	55-56; 179	Florida	2
Colin Samuels	Accela, Inc.	80-81; 192; 199	California	2
John Doe #1	Crime and Federalism	26-27; 155-157	Unknown	2
Antonin I. Pribetic	Steinberg Morton	51-52; 175; 205	Canada	2
Elie Mystal	AboveTheLaw.com; Breaking Media, LLC	9-11; 143; 200	New York	3
David C. Wells	David C. Wells, P.C.	12-13; 182;	Florida	2
16 individuals				35 entities

SUPREME COURT:STATE OF NEW YORK
APPELLATE DIVISION, FIRST DEPARTMENT

-----X
JOSEPH RAKOFSKY and RAKOFSKY LAW FIRM, P.C.,

Plaintiffs,

Affidavit of Service

-against-

Index # 105573/11

THE WASHINGTON POST COMPANY, et al.,

Defendants
-----X

I, Maribel Rodriguez, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and resides in Kings, New York.

This Affidavit of Service pertains to the Attorney's Affidavit Opposing Motion to Enlarge Time, for these 35 defendants:

(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) Atonin 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;

On, September 4, 2014, I served a true copy of the following Attorney's Affidavit Opposing Motion to Enlarge Time: on

Herman Kaufman, Esq.
Attorneys foe Appellants
411 Theodore Fremd Avenue, Suite 206 South
Rye, NY 10580
(914) 925-3407

by depositing a true copy of same securely in a envelope, directed to the aforesaid attorney at the addresses shown below his name, that being the address designated by him for that purpose upon the preceding papers in this action, or the place where he kept his office, between which places there then was and now is regular communication by mail.

In addition, the following were served via email, on consent:

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Attorneys for Defendants Law Offices of Michael T. Doudna and Michael T. Doudna

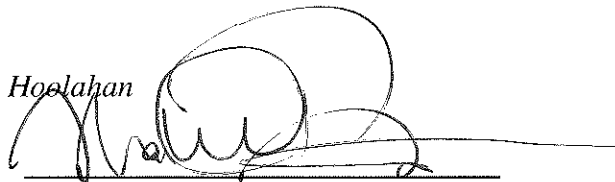
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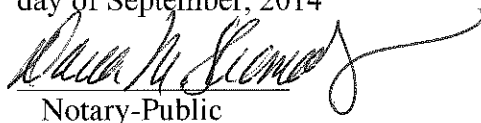
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Attorney for Defendant Gamso, Helmick & Hoelahan



Maribel Rodriguez

Sworn to me this 4th
day of September, 2014



Notary-Public

DANA M. THOMAS
Notary Public, State of New York
No. 01TH6290396
Qualified in Westchester County
Commission Expires October 7, 2017

Index No.: 105573/11

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JOSEPH RAKOFSKY and RAKOFSKY LAW FIRM, P.C,

Plaintiff,

-against-

THE WASHINGTON POST COMPANY, et al.,

Defendants.

ATTORNEY'S AFFIDAVIT OPPOSING MOTION TO ENLARGE TIME

The Turkewitz Law Firm
Local counsel for the defendants set forth below
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by: Eric Turkewitz

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Randazza Legal Group
Admitted pro hac vice
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Las Vegas, NV, 89145

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