

competitive venture, PLS, in breach of their duties of loyalty to the Plaintiffs and the express terms of their employment agreements, and their related efforts to conceal their misconduct by, among other things, engaging in the rampant and irrevocable destruction of Company files.

3. Druckman and Tsaidi were trusted and respected employees of the Plaintiffs for six and ten years, respectively, prior to their resignations within days of each other on February 28 and March 6, 2014, respectively. During the time that they were employed at Morningside, Druckman and Tsaidi forged relationships with other employees of Morningside. I, in particular, developed relationships with both Druckman and Tsaidi on both a professional and a personal level.

4. Indeed, over the years that we worked together, Tsaidi and I became close friends. We would often meet for lunch or dinner, play basketball together, and spend time with each other's family members and at each other's homes. I even rented and stayed in Tsaidi's home in Israel during one summer. As any friends would do, Tsaidi and I had a friendly banter in the way we communicated with one another, often exchanging off-the-cuff emails containing inside jokes. In light of this friendship, I was particularly offended when I learned of Tsaidi's resignation through an email he sent to me and other directors of the Company, rather than one-on-one and by phone or in person. Of course, my hurt feelings were only compounded when, shortly thereafter, I learned that Tsaidi left the Plaintiffs' employ to launch a competing business which he had been secretly planning for at least one year, all the while he was acting in the same friendly manner with me.

5. Druckman and I were also friendly. In fact, before he left Morningside on the false pretenses of supposedly taking care of his ill parents and then claiming he may attend law school (which I later discovered were not the reasons for his resignation – it was to start a

competing business with Tsaidi), I submitted a letter of recommendation to law schools on his behalf in which I emphasized Druckman's integrity. In fact, I opened one recommendation with the word "integrity" and went on to explain how the word describes Druckman; or so I naively believed. While I was sad to see Druckman leave Morningside, I respected his decision and sympathized with his loyalty toward his parents. On the day he left Morningside, I sent Druckman an email to say goodbye, to which he responded "I appreciate absolutely everything you've done for me. Everything." (See Exhibit A.)

6. It was only after they announced their resignation from their employment with the Plaintiffs that it became clear that Druckman and Tsaidi had been plotting for at least a year to start a competing venture with the use of Morningside's resources. They even used the name PLS which is the same name of the eDiscovery company Tsaidi was promoting while with Morningside, albeit the letters stand for slightly different words in each name. Nevertheless, the level of deceit was penetrating in its depth and broad in its scope. Despite their repeated denials, the truth came out within weeks of their departure, leading Plaintiffs to commence this action. Because of skepticism of the degree to which they might respect the authority of Plaintiffs' preferred forum of the Beth Din of America, the Plaintiffs were compelled to bring an action in a forum with the authority to restrain.

7. Over the course of the several months in which this action has been pending, both sides have reached out to one another (both through counsel and outside the presence of counsel) in the hopes of reaching an amicable resolution of the parties' disputes. I have also reached out to the individual defendants to address certain allegations that they have made in this action. Indeed, it has been particularly aggravating to read allegations contained in sworn affidavits submitted by Druckman and Tsaidi in this action which I consider to be lies and self-serving

misstatements of fact. For example, in view of the information that has come to light over the course of the litigation concerning their long-standing plans to compete with the use of Morningside's confidential and proprietary information and the lengths to which they went to conceal their misconduct, I became increasingly skeptical of Druckman's assertions that he left Morningside's employ to care for his ill parents. I was particularly sensitive to his allegations concerning his mother having Parkinson's Disease, as my own mother passed away from that terrible illness. As a result, I sent Druckman emails and texts to call him out on such allegations, which he himself placed in issue and which I believe to be lies. Although I recognize now that such communications are not productive, nothing in these communications threatened any harm to him, his family, or any of their property.

8. In fact, my communications with the Defendants during the course of the litigation have focused on my desire to resolve the disputes at issue in this action before the Beth Din. To this end, Tsaidi and I have exchanged various emails on the potential to mediate or arbitrate our disputes before a Beth Din. As a result of these discussions, on September 11, 2014, we participated in a Beth Din mediation. Although I had high hopes that we could reach a resolution, unfortunately, we were not successful.

9. Frustrated with this result, following the mediation, I sent emails to Tsaidi and to his wife, whom I have known and in whose home I stayed, and whose home I visited weeks before Tsaidi's resignation. In these emails, which, after hearing from Justice Ramos, I now regret, I could not help but vent my frustration over the failed mediation and what I consider Tsaidi's refusal to take the efforts to mediate before a Beth Din seriously. However, the emails neither contain, were intended to contain nor could reasonably be construed to contain any threats to Tsaidi, his wife, or any other member of his family.

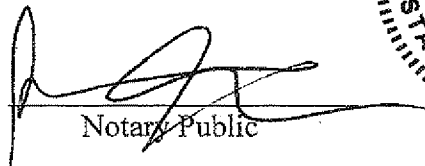
10. I called Defendants' counsel on September 15, during which call I intended to ask whether he would accept process from a Beth Din because I determined that Defendants' counsel's threat to my counsel to go to the press after the Defendants lost the initial motion for a temporary restraining order was a violation of Jewish law, of which Defendants' counsel, as an Orthodox Jew, is well aware. In particular, Jewish law precludes one Jew from attempting to embarrass another Jew publicly. Counsel's resort to friendly banter between me and Tsaidi, taken out of context, in attempt to embarrass me and my company is, in my view, tantamount to dishonesty under Jewish law, which prohibits even approaching a lie, let alone a lie itself. If red herrings really exist, then counsel's portrayal of me as a hatemonger belongs in the window at Murray's!

11. Far from intending to harass, my primary purpose in sending the communications at issue was to continue the dialogue I have had with the Defendants over the course of the litigation concerning the potential to resolve our disputes (including my dispute with their counsel) through the use of a Beth Din. Admittedly, the stresses of litigation have led me at times to make these overtures in an ill-advised manner. However, I have taken the Court's admonishment to heart and will use it to guide my conduct as a party to this action going forward.



JOSHUA EISEN

Sworn and subscribed to me
this 22 day of September, 2014



Notary Public

