

J. GREENBERGER, PLLC
Counsel for defendant Asterios Kokkinos
Jordan Greenberger, Esq.
195 Montague Street, 14th Floor
Brooklyn, New York 11201
Tel: (718) 502-9555
jordan@jgreenbergerlaw.com

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

GEORGE OUZOUNIAN et al.,	Plaintiffs,
-against-	
DAX HERRERA et al.,	Defendants

Index No. 656779/2017

Motion Sequence 00__

**AFFIRMATION OF JORDAN GREENBERGER IN SUPPORT OF DEFENDANT
ASTERIOS KOKKINOS' MOTION TO DISMISS**

JORDAN GREENBERGER, an attorney duly admitted to practice law before the Courts of the State of New York, affirms the following:

1. I represent defendant Asterios Kokkinos, and respectfully submit this affirmation in support of Mr. Kokkinos' motion to dismiss the plaintiffs' complaint with prejudice for failure to state a cause of action.

2. Annexed hereto as Exhibit 1 is a true and correct copy of the plaintiffs' complaint, which is e-filed as NYSCEF DOC. NO. 1.

3. The complaint enumerates sixteen (16) alleged causes of action, but only the first eight (8) alleged causes of action are against Mr. Kokkinos. Those alleged causes of action are for: (1) invasion of privacy [Civil Rights Law §§ 50-51]; (2) defamation; (3) misappropriation / unfair competition; (4) intentional infliction of emotional distress; (5) tortious interference with contract; (6) tortious interference with business relations; (7) conversion; and (8) false advertising / deceptive and misleading business practices [General Business Law §§ 349-350].

Plaintiffs allege damages of \$20,000,000, and also seek punitive damages in excess of \$20,000,000, attorney's fees, and injunctive relief.

4. As stated in the accompanying memorandum of law, the plaintiffs fail to state a cause of action against Mr. Kokkinos. Any attempt to amend the allegations against Mr. Kokkinos would be futile.

5. Accordingly, Mr. Kokkinos' motion should be granted.

WHEREFORE the complaint as against Mr. Kokkinos should be dismissed with prejudice, and he should be awarded his costs/disbursements.

Dated: January 6, 2018
Brooklyn, New York

/s/ Jordan Greenberger
JORDAN GREENBERGER