

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

WESTPAW FILMS INC., directly and derivatively  
on behalf of the D&D Production,

Plaintiff,

-against-

JAMES SPRATTLEY, MICHAEL ANDREW  
PASCAL, and FANTASY GAME FILMS LLC,

Defendants,

and

THE D&D PRODUCTION,

Nominal Defendant.

Index No. 505665/2014

**AFFIRMATION OF  
JOSHUA G. GRAUBART  
IN SUPPORT OF  
DEFENDANTS'  
MOTION TO  
DISMISS THE COMPLAINT**

Pursuant to N.Y. C.P.L.R. § 2106, JOSHUA G. GRAUBART hereby affirms as follows:

1. I am an attorney duly admitted to practice law in the State of New York.
2. I am of counsel to Winslett Studnický McCormick & Bomser LLP, attorneys for

Defendants in the above-captioned action, and am fully familiar with the past proceedings in this action.

3. I submit this Affirmation pursuant to CPLR §§ 3211(a), 1001, and 1003 in support of Defendants' Motion to Dismiss filed herewith seeking dismissal of the Complaint against Defendants and for such other, further, and different relief as the Court deems just, proper, and equitable.

4. For the Court's convenience only, attached as exhibits hereto are certain documents previously submitted by Defendants attached to the Affirmation of Adam B. Kagan in opposition to Plaintiff's Motion for a Preliminary Injunction, dated July 21, 2014.

5. Attached as Exhibit 1 hereto is a true and correct copy of June 3, 2013 letter from Plaintiff's counsel Greg Mavronicolas, Esq. to Iconoscope, LLC's counsel Adam Kagan, Esq.

6. Attached as Exhibit 2 hereto is a true and correct copy of Producer/Director Loanout Agreement marked up by Plaintiff's counsel.

I hereby affirm under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
August 6, 2014

WINSLETT STUDNICKY McCORMICK &  
BOMSER LLP

By: \_\_\_\_\_



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