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January 12, 2018

VIA ECF AND HAND DELIVERY

The Honorable Deborah Kaplan
Administrative Judge, 1st Judicial District
Supreme Court, New York County
60 Centre Street, Room 660
New York, New York 10007

Re: George Ouzounian, p.k.a. Maddox and Jane Doe v. Dax Herrera
p.k.a. Dick Masterson, et. al. (Index No. 656779/2017)

Dear Justice Kaplan:

This firm represents Defendants CMGRP, Inc., d.b.a. Weber Shandwick (“WS”) and Joshua Kaufman (“Kaufman”) (collectively, “the Moving Defendants”), in the above-captioned action pending in the Supreme Court for New York County. I write pursuant to Section 202.70(e) of the Uniform Rules for the Trial Courts (the “Uniform Rules”) to apply for transfer of this action into the Commercial Division.

On November 11, 2017, plaintiffs George Ouzounian, p/k/a Maddox and Jane Doe (collectively, the “Plaintiffs”), filed a complaint (“Complaint”) against ten defendants alleging sixteen causes of action and seeking \$20,000,000 in damages. The claims asserted in the Complaint include the following: misappropriation, unfair and deceptive trade practices and unfair competition, tortious interference with a contract and a business relationship, invasion of privacy, defamation, intentional and negligent infliction of emotional distress, various negligence claims, conversion, deceptive acts and misleading business practices/false advertising in violation of the Consumer Protection Act, fraud, and violations of the New York General Business Act §§ 349-350 and the Federal Trade Commission Act.

Defendants Dax Herrera p.k.a. Dick Masterson, Foundation Digital and Greg Broser filed a Request for Judicial Intervention on January 2, 2018. The January 2 RJI designates the case as commercial in nature. It does request assignment to the Commercial Division. I have reviewed the standards for assignment of cases to the

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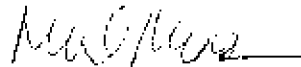
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Commercial Division set forth in Section 202.70 of the Uniform Rules, and this case meets those standards. I therefore respectfully request that this case be transferred into the Commercial Division.

The monetary threshold for the New York County Commercial Division (\$500,000) is met because the Plaintiffs seek \$20,000,000 in damages, exclusive of punitive damages, interest, costs, disbursements and counsel fees for this action. *See* Uniform Rules, Section 202.70(a). Furthermore, the commercial disputes in this case fall within the standards set out in Section 202.70(b)(1), because the Complaint alleges various business torts, fraud, misrepresentation, and violations arising out of business dealings. The Complaint does not include any causes of action of the types listed in Section 202.70(c) as not belonging in the Commercial Division.

Accordingly, on behalf of the Moving Defendants I respectfully request that this action be transferred into the Commercial Division.

Respectfully yours,



Michael M. Munoz

Cc: Counsel for all parties (VIA ECF)