

SUPREME COURT STATE OF NEW YORK
COUNTY OF NEW YORK

EROS INTERNATIONAL PLC,

Plaintiff,

-against-

MANGROVE PARTNERS, NATHANIEL H. AUGUST, MANUEL P. ASENSIO, ASENSIO & COMPANY, INC., MILL ROCK ADVISORS, INC., GEOINVESTING, LLC, CHRISTOPHER IRONS, DANIEL E. DAVID, FG ALPHA MANAGEMENT, LLC, FG ALPHA ADVISORS, FG ALPHA, L.P., CLARITYSPRING INC., CLARITYSPRING SECURITIES LLC, NATHAN Z. ANDERSON AND JOHN DOES NOS. 1-30,

Defendants.

Index No. **653096/2017**

Motion Seq. #001

Hon. Eileen Bransten

Commercial Division

**AFFIRMATION OF
JESSICA A. FITTS IN
SUPPORT OF
DEFENDANTS
MANGROVE PARTNERS'
AND NATHANIEL H.
AUGUST'S ORDER TO
SHOW CAUSE**

I, Jessica A. Fitts, of Akin Gump Strauss Hauer & Feld LLP, an attorney duly admitted to practice law before the courts of the State of New York, hereby affirm the following under the penalty of perjury:

1. I am counsel with the law firm Akin Gump Strauss Hauer & Feld LLP, One Bryant Park, New York, New York 10036, attorneys to Defendants Mangrove Partners and Nathaniel H. August (the "**Mangrove Defendants**"). I am fully familiar with the facts and circumstances of this matter, either from personal knowledge or on the basis of documents that have been provided to me.

2. I submit this affirmation in support of the Mangrove Defendants' Motion for an Order to Show Cause seeking (i) dismissal of all claims against the Mangrove Defendants

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pursuant to CPLR 3211(a)(1) and/or (7); and (ii) any such other relief as the Court deems just and proper.

3. Annexed hereto as **Exhibit 1** is a true and correct copy of an October 30, 2015 report published on the website Seeking Alpha under the alias “Alpha Exposure” entitled *Unlike the Name, Investors Should Not Love Eros*.

4. Annexed hereto as **Exhibit 2** is a true and correct copy of a November 10, 2015 report published on the website Seeking Alpha under the alias “Alpha Exposure” entitled *Eros: Return of the Short Seller*.

5. Annexed hereto as **Exhibit 3** is a true and correct copy of a November 13, 2015 report published on the website Seeking Alpha under the alias “Alpha Exposure” entitled *Eros: Is the Game Finally Over? We Think So*.

6. Annexed hereto as **Exhibit 4** is a true and correct copy of a November 20, 2015 report published on the website Seeking Alpha under the alias “Alpha Exposure” entitled *Eros: Revising Our TopCo Analysis*.

7. Annexed hereto as **Exhibit 5** is a true and correct copy of an October 23, 2015 report published by Wells Fargo Securities entitled *EROS: Stepping to the Sidelines—Downgrading To Market Perform*.

8. Annexed hereto as **Exhibit 6** is a true and correct copy of an October 26, 2015 report published by Wells Fargo Securities entitled *EROS: Reducing Estimates Related To Last Week's Downgrade*.

9. Annexed hereto as **Exhibit 7** is a true and correct copy of an October 23, 2015 article published on Bloomberg News entitled *Eros Tanks as Wells Fargo Analyst Questions Company Metrics*.

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10. Annexed hereto as **Exhibit 8** is a true and correct copy of all tweets posted by the Twitter handle “Alpha Exposure” through September 29, 2017 (the date of Plaintiff Eros’s Complaint in the above-captioned matter).

11. Annexed hereto as **Exhibit 9** is a true and correct copy of an August 14, 2017 report published on the website Seeking Alpha under the alias “Alpha Exposure” entitled *Eros: Roll the Credits*.

12. Annexed hereto as **Exhibit 10** is a true and correct copy of Plaintiff Eros’s Complaint in the above-captioned action, dated September 29, 2017.

13. No previous application has been made to this or any other court for the relief requested herein, except as otherwise set forth herein.

WHEREFORE, it is respectfully requested that the Court grant all the relief requested in the accompanying Order to Show Cause and annexed Memorandum of Law, as well as any such other relief as the Court may deem just and proper.

Dated: November 30, 2017
New York, New York

/s/ Jessica A. Fitts
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