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September 26, 2018

VIA E-FILING & UPS OVERNIGHT

Hon. Charles E. Ramos
Sup. Ct., NY County
60 Centre Street, Room 691 (Chambers)
New York, NY 10007

Re: *Ouzounian v. Herrera et al.*; No. 656779/2017 – Scheduling Sanctions
Motion (Motion Sequence 006)

Your Honor,

I represent defendant Asterios Kokkinos in the above referenced-action and write to respectfully request that Mr. Kokkinos' previously submitted cross-motion for sanctions against plaintiff George Ouzounian and his former counsel be scheduled for oral argument. (Motion Sequence 006). The motion relates to plaintiff George Ouzounian's perjury about the so-called "Heather" emails, and his prior counsel's response to Mr. Kokkinos' request to remediate the issue.¹

Mr. Kokkinos' cross-motion for sanctions was originally scheduled for May 16, 2018, when Mr. Kokkinos's CPLR 3211 motion to dismiss was also argued. (Motion Sequence 001). The Court granted Mr. Kokkinos' motion to dismiss, but granted plaintiffs leave to amend and held the sanctions motion in abeyance "until after we have a re-pleading."²

There is no (and will not be any) re-pleading. Plaintiffs' "final" deadline to serve and file an amended complaint was September 14, 2018, and they have not done so. Accordingly, Mr. Kokkinos has submitted a proposed judgment dismissing the action with prejudice [NYSCEF DOC. NO. 173], and respectfully requests that the Court re-schedule argument of his cross-motion for sanctions.

Sincerely,

/s/ Jordan Greenberger
Jordan Greenberger, Esq.

cc: All counsel that has appeared in this case (via e-filing and email)

¹ The matter is further explained in my cross-moving affirmation, dated March 23, 2018 [NYSCEF DOC. NO. 114].

² An excerpt of the transcript is annexed hereto; *see* p. 50, lines 10-13 [NYSCEF DOC, NO. 134].

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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY : CIVIL TERM : PART 53

GEORGE OUZOUNIAN, P/K/A MADDOX, and
JESSICA BLUM,

Plaintiffs,

-against-

Index No.
656779/2017

DAX HERRERA P/K/A DICK MASTERSON,
FOUNDATION DIGITAL, LLC, GREG BOSER,
LOREN BAKER, CMGRP, INC., D/B/A
WEBER SHANDWICK, JOSHUA KAUFMAN,
ASTERIOS KOKKINOS, TREVOR BIRT,
PATREON, INC., and JORDAN COPE,

Defendants.

PROCEEDING

May 16, 2018

60 Centre Street
New York, New York

B E F O R E:

HON. CHARLES E. RAMOS, Justice

A P P E A R A N C E S:

THE LANDAU GROUP, P.C.
Attorneys for the Plaintiffs
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New York, New York 10111
BY: KEVIN A. LANDAU, ESQ.
ZACH LANDAU, ESQ.

ADELMAN MATZ P.C.
Attorneys for the Defendants Dax Herrera p/k/a Dick
Masterson, Foundation Digital, LLC and Greg Boser
780 Third Avenue
New York, New York 10017
BY: SARAH M. MATZ, ESQ.

(Appearances continued on the next page)

1, A P P E A R A N C E S: (Continued)

2 GOLENBOCK EISEMAN ASSOR BELL & PESKOE LLP
 Attorneys for the Defendants CMGRP, Inc. d/b/a Weber
 3 Shandwick and Joshua Kaufman
 711 Third Avenue
 4 New York, New York 10017
 BY: MICHAEL M. MUNOZ, ESQ.
 5 ELIZABETH C. CONWAY, ESQ.

6 J. GREENBERGER, PLLC
 Attorneys for the Defendant Asterios Kokkinos
 7 195 Montague Street, 14th Floor
 Brooklyn, New York 11201
 8 BY: JORDAN GREENBERGER, ESQ.

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Anne Marie Scribano
 Senior Court Reporter

1 THE COURT: We have a number of motions here. We
2 got rid of the corporation and Cope yesterday, so now we're
3 down to -- I think [REDACTED] [REDACTED]

4 [REDACTED] we have motions to dismiss.

5 The question is, which one do I hear first?

6 Obviously, the motions to dismiss are the first
7 ones I want to hear.

8 MR. GREENBERGER: Your Honor, Jordan Greenberger
9 for Defendant Asterios Kokkinos.

10 There are three motions to dismiss pending. I was
11 technically assigned motion sequence 1, but Defendant
12 Herrera and her clients also moved first, under the
13 first-named defendant, so it's your preference who makes --

14 THE COURT: There are some -- I believe there is a
15 motion being made by some New York-based defendants.

16 MR. GREENBERGER: That's right, your Honor.

17 I represent Asterios Kokkinos, who is here in the
18 courtroom now. He's a New York City resident and he has no
19 jurisdictional -- there's no jurisdictional arguments for
20 Defendant Kokkinos. It's purely a motion to dismiss for
21 failure to state a claim.

22 THE COURT: And you represent?

23 MR. MUNOZ: Good morning.

24 I represent CMGRP, also known as Weber Shandwick,
25 which is a New York-based corporation, and their own counsel

1 that book.

2 THE COURT: Let me end it right now.

3 The motion to dismiss Mr. Herrera, Foundation
4 Digital and Greg Boser is granted with prejudice. No
5 jurisdiction.

6 MS. MATZ: Thank you.

7 THE COURT: Thank you very much.

8 [REDACTED]
[REDACTED]

10 MR. K. LANDAU: Your Honor, we can re-plead in
11 California?

12 THE COURT: I'm sorry?

13 MR. K. LANDAU: We'll re-plead in California.

14 THE COURT: Outside of my jurisdiction, you can do
15 anything you want. It's a free country.

16 MR. K. LANDAU: Thank you.

17 [REDACTED] before we wrap up.

[REDACTED] motion, which is plaintiffs' sanctions / [REDACTED]

[REDACTED] me and my cross-motion for sanctions.

[REDACTED] THE COURT: We're going to hold [REDACTED]

[REDACTED]

22 MR. MUNOZ: Your Honor, there's also a motion
23 against me and my cross-motion for sanctions arising from
24 the same facts.

25 MR. GREENBERGER: Now that he's been dismissed

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from the case --

MR. MUNOZ: I'm just getting my book.

THE COURT: I'll schedule a sanctions hearing, all right? So you'll let me know. Not with regard to you. But with regard to Mr. Kaufman and the entity, we'll have to have a hearing.

MR. MUNOZ: Okay. We'll get a date from your part clerk.

THE COURT: Absolutely.


[REDACTED]

Thank you very much.

MS. MATZ: Thank you, your Honor.

(Proceedings adjourned)

Certified to be a true and accurate transcript of the foregoing proceedings



Anne Marie Scribano