

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

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GEORGE OUZOUNIAN, P/K/A MADDOX, and, JANE DOE,

Index No. 656779/2017

Plaintiffs,

NOTICE OF ENTRY

- against -

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.


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PLEASE TAKE NOTICE that the within is a true and correct copy of the Order of the
Honorable Charles Ramos, J.S.C., dated September 7, 2018, which was duly filed and entered in
the Office of the Clerk of the within Court on September 10, 2018.

Dated: New York, New York
September 14, 2018

Respectfully Submitted,

ADELMAN MATZ, P.C.

By: 

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To: *All Counsel of Record Via NYSCEF*

Via First Class Mail and E-Mail:

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Attorneys for Plaintiffs

At Part 53 of the Supreme Court of the State of New York, held in and for the County of New York, at 60 Centre Street, New York, New York, on the ___ day of August, 2018.

Present: HON. CHARLES E. RAMOS, J.S.C.
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GEORGE OUZOUNIAN, P/K/A MADDOX, and,
JANE DOE,

Plaintiff,

v.

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,

Defendant.

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PROPOSED ORDER

Motion Sequence No. 002

A motion having been made by Dax Herrera (“Herrera”), Foundation Digital (“Foundation”), LLC, and Greg Boser (“Boser”) (collectively “Motion Defendants”) and having duly come to be heard on May 16, 2018, for an order for dismissal of Plaintiffs George Ouzounian and Jane Doe’s (collectively “Plaintiffs”) Complaint pursuant to (i) New York Civil Practice Law and Rules (“CPLR”) § 3211(a)(8), dismissing Plaintiffs’ Complaint on the grounds that this Court lacks jurisdiction over the Motion Defendants; (ii) pursuant to CPLR § 3211(a)(8), dismissing Plaintiffs’ Complaint on the grounds of improper service of process on Boser and Foundation; (iii) pursuant to CPLR § 327, dismissing Plaintiffs’ Complaint as against all Defendants on the grounds that New York is an inconvenient forum; and (iv) pursuant to CPLR § 3211(a)(7), dismissing Plaintiffs’ Complaint with prejudice on the grounds that Plaintiffs have failed to state a claim for relief;

WHEREAS, the Court having issued an order, dated June 22, 2018, a copy of which is annexed hereto as Exhibit "A", which indicated that Motion Defendants' motion to dismiss was disposed of as reflected in the Court's transcript and directed Motion Defendants to settle an order on notice;

WHEREAS, following the Stipulation Settling Transcript executed by counsel for Defendants CMGRP, Inc. d/b/a Weber Shandwick and Joshua Kaufman as well as counsel for Plaintiff George Ouzounian p/k/a Maddox and Jessica Blum, on July 23, 2018, the Court entered the So Ordered the transcript of the oral argument held before the Honorable Judge Charles E. Ramos on May 16, 2018 at 60 Centre Street, a copy of which is annexed hereto as Exhibit "B";

NOW, upon the reading and filing of the Notice of Motion of Motion Defendants' motion to dismiss, dated January 2, 2018, the Motion Defendants' Memorandum of Law in Support, dated January 2, 2018, the Affirmation of Sarah Matz, dated January 2, 2018, together with Exhibits, the Affidavit of Dax Herrera, dated January 2, 2018, together with Exhibit A, and the Affidavit of Greg Boser (Mot. Seq. No. 2); Plaintiff's Notice of Cross Motion dated February 12, 2018, Memorandum of Law in opposition to Motion Defendants' motion and in support of Plaintiffs' cross-motion dated February 12, 2018, the Affidavit of George Ouzounian dated February 12, 2018 together with exhibits, and the Affirmation of Kevin Landau dated February 12, [sic]2019, together with exhibits; and Motion Defendants' Memorandum of Law in Reply and in Opposition to Plaintiffs' Cross Motion and the Reply Affirmation of Sarah Matz dated February 26, 2018 with exhibits, and all prior pleadings herein;

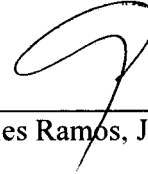
IT IS HEREBY ORDERED, that Plaintiff's First Cause of Action, for Invasion of Privacy, and for Injunctive Relief Pursuant to Civil Rights Law §§ 50 and 51 and Fifth Cause of Action, for Tortious Interference with a Contract, are dismissed as to all defendants; and

IT IS FURTHER ORDERED that Motion Defendants Dax Herrera, Foundation Digital, LLC and Greg Boser's motion to dismiss for lack of personal jurisdiction pursuant to CPLR § 3211(a)(8) is granted, and Dax Herrera, Foundation Digital, LLC and Greg Boser are dismissed from this action with prejudice; and Plaintiffs' cross motion for jurisdictional discovery is denied.

Dated: New York, New York

August 2018

9/7/18



Hon. Charles Ramos, J.S.C.