

At the Commercial Division Support Office of the Supreme Court Of the State of New York, held in and for the County of New York at the Courthouse, 60 Centre Street, Rm. 119A, City and State of New York on the \_\_\_<sup>th</sup> day of February, 2018.

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

Hon. Charles E. Ramo  
Index No. 656779/2017  
Motion Seq. # 5  
Part 53

- against -

**ORDER TO SHOW CAUSE  
WITH TEMPORARY  
RESTRAINING ORDER**

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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Upon the Affidavits of Plaintiffs, the Affirmation of Kevin A. Landau, Esq., sworn to on February 16, 2018, and the Exhibits annexed thereto, and the accompanying Memorandum of Law, dated February 16, 2018, and upon all pleadings and proceedings heretofore had herein;

LET Defendants Dax Herrera and Foundation Digital, LLC and/or their attorneys show cause at an IAS Part \_\_\_\_, Room \_\_\_\_\_ of this Court, to be held at the Courthouse located at 60 Centre Street, New York, NY on the \_\_\_\_\_ day of \_\_\_\_\_ 2018 at 9:30 pm, or as soon thereafter as counsel can be heard,

WHY an Order should not be made and entered, providing the following relief:

1. That a temporary restraining order (TRO) be entered, and that pending the hearing on this Motion, Defendant Dax Herrera be restrained from posting, distributing, retweeting, featuring, disclosing, using, or making any extra-judicial statements whatsoever relative to this lawsuit or:

counsel for Plaintiffs' Kevin A. Landau, The Landau Group, PC, law firm; George Ouzounian; and/or Jessica Blum;

2. That Dax Herrera be restrained from mentioning, stating, or using Kevin A. Landau, The Landau Group, PC, law firm; George Ouzounian; and/or Jessica Blum, name photographs portraits, images and/or likeness, personal information, private documents, medical information, or any information or documentation, in any way, whatsoever, and in any form or format whatsoever, and that any current use by Defendant Herrera, be immediately taken down from any and all websites, podcasts, and social media of Herrera, or any social media accounts, websites, or podcasts, associated with Herrera whatsoever, as well as his affiliates, agents, contractors, fans and employs, or that he has posted to or tweeted from, or re-tweeted from, whatsoever, including, but not limited to: Dick Masterson, The 20 Million Dollar Man, Stand With Dick, The Dick Show, and the Dick Show official fan forum Reddit page, The Dick Show Patreon page, the Dick Show website, or any other social media pages, such as: You Tube, Facebook, Twitter, and Reddit.

A. That any social media posts, tweets, retweets, or statements, or any information or documentation, posted, disclosed, distributed, or used, relative to Mr. Landau or his law firm, the Landau Group, PC, by Defendant Herrera or any one associated with him, will constitute a contempt of this court, and subject Defendant Dax Herrera to sanctions, including, but not limited to: attorney's fees and costs.

B. That any social media posts, tweets, retweets, or statements, or any information or documentation, posted, disclosed, distributed, or used, in any format whatsoever, relative to Mr. Ouzounian or Maddox, by Defendant Herrera or any of his fans, affiliates, agents, contractors

and employs, will constitute a contempt of this court, and subject Defendant Herrera to sanctions, including, but not limited to: attorney's fees and costs;

C. That any social media posts, tweets, retweets, or statements, or any information or documentation, posted, disclosed, distributed, or used, in any format whatsoever, relative to Ms. Blum, by Defendant Herrera or any of his fans, affiliates, agents, contractors and employs, will constitute a contempt of this court, and subject Defendant Herrera to sanctions, including, but not limited to: attorney's fees and costs;

D. That the court award Plaintiffs' their attorney's fees and costs incurred since the inception of this litigation;

E. Granting such other and further relief as this Court deems just, and proper, including, attorneys' fees, costs, and damages pursuant to GBL §§ 349-350 and Civil Rights Law §§ 50-51.

**IT IS ORDERED:**

That pending the hearing on this Motion, the foregoing relief requested is granted, and Defendant Dax Herrera, and any affiliates, fans, agents, contractors and employs associated with him, his podcast, or social media accounts, is restrained from posting, distributing, tweeting, retweeting, featuring, disclosing, using, or making any extra-judicial statements whatsoever relative to this lawsuit or counsel for Plaintiffs' Kevin A. Landau, The Landau Group, PC, law firm, George Ouzounian; and/or Jessica Blum;

**IT IS FURTHER ORDERED,**

That any extra-judicial statements, social media posts, tweets, retweets, or statements, or any information or documentation, posted, disclosed, distributed, or used, in any format or social media, or podcasts, whatsoever, by Defendant Dax Herrera, and any affiliates, fans, agents, contractors and employs associated with him, his social media accounts, or podcast, relative to

Mr. Landau, the Landau Group, PC law firm, George Ouzouian, and Jessica Blum., will constitute a contempt of this court, and subject Defendant Herrera to sanctions, including, but not limited to: attorney fees, and costs;

**IT IS FURTHER ORDERED,**

That any current use, posts, tweets, retweets, or extra judicial statements made by Defendant Dax Herrera, his employs, contractors, agents, affiliates or fans, on any social media or podcasts, concerning or related to Mr. Landau, the Landau Group, PC law firm, Mr. Ouzounian, or Ms. Blum, be immediately taken down from any and all websites, podcasts, and social media accounts of Herrera, or any social media accounts, websites, or podcasts, associated with Herrera whatsoever, affiliates, fans, agents, contractors and employs, or that he has posted to or tweeted from, or re-tweeted from, whatsoever, including, but not limited to: Dick Masterson, The 20 Million Dollar Man, Stand With Dick, The Dick Show, and the Dick Show official fan forum Reddit page, The Dick Show Patreon page, the Dick Show website, or any other social media pages, such as: You Tube, Facebook, Twitter, and Reddit.

**ORDERED:**

That sufficient cause appearing therefor, let service of a copy of this Order, together with the papers upon which it is based, upon Defendant Herrera's counsel on or about the \_\_\_\_ day of February 2018, be deemed good and sufficient service;

**ORDERED:**

That sufficient cause appearing therefor, let service of a copy of this Order, together with the papers upon which it is based, upon Reddit, Twitter, Facebook, Google, and Patreon, or their counsel on or about the \_\_\_\_ day of February 2018, be deemed good and sufficient service.

DATED:

ENTER: \_\_\_\_\_  
J.S.C.