

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,
v.

**AFFIDAVIT OF GREG BOSER
IN SUPPORT OF MOTION TO
DISMISS**

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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STATE OF NEVADA)
 ss:
COUNTY OF CLARK)

GREG BOSER, being duly sworn, states the following under the penalty of perjury:

1. I am both an individual defendant in this lawsuit as well as a principal of Foundation Digital, LLC (“Foundation Digital”). I submit this affidavit in support of Moving Defendants’ motion to dismiss.

2. I do not reside in, nor have I ever been a resident of, New York. I currently reside in Nevada and have lived here for approximately one year. For approximately twenty-five years before moving to Nevada, I was a resident of California.

3. It is unfair and burdensome for me to have to defend this action in New York, as there is no connection between New York and the things being alleged, nor do I have any type of ongoing or continuous activity in New York that would be sufficient to subject me to personal jurisdiction in New York.

4. In fact, I have had very limited contact with New York. I have only traveled to New York as a tourist and to speak at industry conferences. I was not paid to speak at these industry conferences. I have probably only been to New York between 10 and 15 times over the past two decades. The industry conferences that I have spoken at in New York and personal trips have nothing to do with the allegations in this lawsuit.

5. I have never paid income taxes in New York, I do not own or lease any property in New York, I do not have an office in New York, nor do I have bank accounts in New York. I do not own any personal property that is located in New York. I also do not have any employees, designated agents, or registered agents in New York.

6. I do not solicit or engage in any systematic business in New York.

7. Foundation Digital is a digital marketing company that I am a part owner in, along with Dax Herrera and Loren Baker.

8. Neither Foundation Digital nor I have anything to do with the podcast entitled “The Dick Show” (the “Podcast”). It is a completely separate business run by Dax Herrera. Neither Foundation Digital nor I do any work for the Podcast, nor do either of us do any content creation or marketing for the Podcast. Neither Foundation Digital nor I have any part in the writing, hosting, recording, production, editing, or distribution of the Podcast. The Podcast is a personal project of Dax Herrera’s that is entirely separate from his work with Foundation Digital.

9. Foundation Digital creates content for companies and brands, and also assists companies and brands in strategizing and optimizing the distributing and promoting content in order to advertise.

10. Foundation Digital is a California limited liability company that was formed in California.

11. Foundation Digital does not have any contractors, employees or principals in New York.

12. Foundation Digital does not have any clients in New York, nor does it target businesses in New York as potential clients. Foundation Digital does not conduct business in New York.

13. Foundation Digital does not own or lease any real or personal property, keep an office, maintain bank accounts, or have a designated agent in the New York. In fact, Foundation Digital does not have any brick and mortar offices. It is a virtual company whose business is run by the principals, Mr. Herrera and Mr. Baker who live in California and myself who lives in Nevada.

14. Foundation Digital does not maintain a physical office at 23890 Copper Hill Drive, Box 216, Valencia, CA 91354, that is just a mailing address for Foundation Digital. I also do not work out of that address. No one at that location is authorized to accept service on behalf of Foundation Digital or myself. It is just a UPS store where Foundation Digital receives mail. Foundation Digital has a separate agent Business Filings Incorporated that is authorized to accept service for Foundation Digital, and that entity and is listed with the California Secretary of State.

15. I am not the host of the Podcast. I have never appeared as a guest or speaker on the Podcast, and I have nothing to do with its creation, production, marketing, or distribution.


16. I have never met plaintiff George Ouzounian.

17. As a resident and citizen of Nevada who has almost no connection with New York, and no connection with New York that relates to this case, both personally, and through Foundation Digital, it would be unfair, burdensome, and prejudicial to me as an individual to have to defend myself personally in a Court in New York, as it will require me to travel to New

York which is expensive and time consuming and will interfere with my work in Nevada.

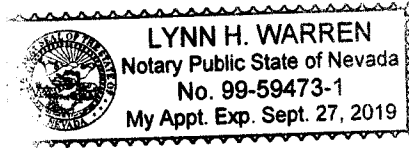
18. Additionally, having to defend this case in New York will be prejudicial because it appears that all of the parties and likely most of the witnesses to this dispute live on the west coast, the majority in California and others in Nevada and other states on the West Coast

19. Given that the Plaintiffs also reside in California this action should not only be dismissed for lack of personal jurisdiction over the Moving Defendants, but it should be dismissed on the grounds that New York is an inconvenient forum.


GREG BOSER

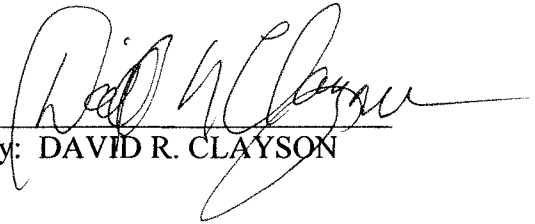
Sworn to before me this
2nd day of January, 2018


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CERTIFICATION OF CONFORMITY

The undersigned does hereby certify that he/she is an attorney at law duly admitted to practice in the State of Nevada; that he/she makes this affidavit in accordance with the requirements of the Clerk of the County of Clark pertaining to the acknowledgement of the proof of the Affidavit of Greg Boser, to be filed in Supreme Court of the State of New York, New York County; that the foregoing acknowledgment of Greg Boser, named in the foregoing instrument taken before Lynn H. Warren, a Notary in the State of Nevada, being the state in which it was taken, and based upon my review thereof, appears to conform with the law of the State of Nevada.


By: DAVID R. CLAYSON

Sworn to before me this 2nd
day of January, 2018


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