

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

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

Plaintiffs',

Index No.

AFFIDAVIT

- 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.

-----X
STATE OF California)
) ss.
COUNTY OF Los Angeles)

I, George Ouzounian, being duly sworn, deposes and says, the following, under penalties of perjury:

1. I am one of the individual Plaintiffs in the above entitled action, and I am familiar with all of the facts and circumstances in this action.
2. I make this affidavit on personal knowledge, and all documents annexed hereto are true copies of the original documents.
3. On or about November 6, 2017, a Complaint was filed with the Court in the above entitled matter. A true copy of this complaint is annexed hereto as **Exhibit One**. I have read the attached complaint and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.

4. I am an author, operating and conducting business in New York, under the pen name, "Maddox", with a publishing contract with Simon and Schuster, located at 1230 Avenue of the Americas, New York, New York, 10020.

5. My first book, entitled: "The Alphabet of Manliness", was published by Citadel Press Books, and the Kensington Publishing Corp., located at 850 Third Avenue, New York, New York, 10022 in 2005, under the pen name, and copyright, Maddox. This book reached number two on the New York Times Bestseller List.

6. My most recent book, is entitled F*ck Whales, and was published in October of 2017, by Simon Schuster, under the pen name, Maddox.

7. My editor, Jeremie Ruby-Strauss, is employed by Simon and Schuster in New York, and is based out of their New York office.

8. Defendant Dax Herrera is a published author, operating and conducting business in New York, under the pen name, "Dick Masterson", with a publishing contract with Simon and Schuster, located at 1230 Avenue of the Americas, New York, New York, 10020.

9. The character created by Defendant Herrera, "Dick Masterson" which his book, and Patreon podcast, "Men Are Better Than Women" and "The Dick Show", respectively, are based on, and which he uses to generate his revenue on Patreon, was upon information and belief, created in New York City, and the copyright of the name is owned, and was transferred by contractual agreement to his New York City publisher Simon & Schuster, located at 1230 Avenue of the Americas, New York, New York, 10020. (Annexed hereto as **Exhibit Two**.)

10. Defendant Herrera operates under the name "Dick Masterson", and the copyright of his book is in Dick Masterson's name, not Dax Herrera's. (Annexed hereto as **Exhibit Three** is the copyright page from Dick Masterson's book.)

11. The Authorship on Application of the book "Men Are Better Than Women", registered with the United States Copyright Office, is "Dick Masterson" at 1230 Avenue of the Americas, New York, New York, 10020 (See **Exhibit Two**.) The majority (if not all) communications, representations, and statements, made about me on Herrera's podcast are in the name of Dick Masterson, not Dax Herrera. The Patreon for the podcast is called "Dick Masterson is creating The Dick Show."

12. Dick Masterson has his own website for his book, the book is currently being sold on this website, and is linked to his Patreon page, where the book is also sold, in addition to other merchandise. Further, this book can currently be bought on Simon and Schuster's website, out of New York.

13. I have annexed relevant pages from my publishing contract hereto as **Exhibit Four**, which I believe contain the same, or very similar, provisions as Herrera/Masterson's agreement. These provisions state that Jurisdiction "is hereby vested in the federal and state courts sitting in New York County, New York, to which each party irrevocably submits." (**Ex. 4**, p. 19.) Further, the applicable law for this agreement states that it "shall be governed by the laws of the State of New York." (**Ex. 4**, p. 20.)

14. Herrera solicits money, and operates, under the Dick Masterson name on his Patreon page for his podcast, to hundreds of New York residents, which pay him substantial sums of money, on a recurring monthly basis. Based upon my information and belief and reported by the platform, The Dick Masterson podcast makes over \$22,085.00 per month.. (Annexed hereto as **Exhibit 5**.)

15. Mr. Herrera's editor, with Simon and Schuster, is also Mr. Ruby-Strauss, who Mr. Herrera contacted by email, immediately after being served with the lawsuit in this matter, on or

about November 14, 2017. He cc'd me to this communication, which is annexed hereto as

Exhibit Six.

16. Subsequent to the instant lawsuit being filed, and served on Herrera, he has continued his harassment campaigns against me, and Ms. Blum, and continues to target us, and post defamatory, racist, misogynistic, and other hateful content throughout social media, and on his podcast. Further affiant sayeth not.

By:

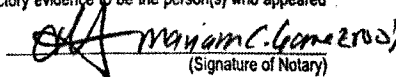

George Ouzounian

Sworn to before me this
12th day of February, 2018


Notary Public

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA COUNTY OF Los Angeles
Subscribed and sworn to (or affirmed) before me on this 12th day of February
20 18 by Mariam C. Gomez Noj: Notary Public
George Ouzounian
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.


(Signature of Notary)

