

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 MOTION TO
DISMISS**

-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 upon the accompanying Memorandum of Law submitted on behalf of Defendants Dax Herrera (“Herrera”), Greg Boser (“Boser”), and Foundation Digital, LLC (“Foundation”) (“Motion Defendants”), dated January 2, 2018, the Affidavit of Dax Herrera, sworn to on January 2, 2018, with the exhibits annexed thereto, the Affidavit of Greg Boser, sworn to on January 2, 2018, and the Affirmation of Sarah Matz dated January 2, 2018, with the exhibits annexed thereto, Motion Defendants, through their undersigned counsel, will move this Court at the Courthouse, Room 130, located at 60 Centre Street, New York, New York, on the 30th day of January, 2018 at 9:30 a.m., or as soon thereafter as counsel can be heard for an order:

- (a) pursuant to CPLR § 3211(a)(8), dismissing Plaintiffs’ Complaint on the grounds that this Court lacks jurisdiction over the Motion Defendants; and
- (b) pursuant to CPLR § 3211(a)(8), dismissing Plaintiffs’ Complaint on the grounds of improper service of process on Boser and Foundation; and

(c) pursuant to CPLR § 327, dismissing Plaintiffs' Complaint as against all Defendants on the grounds that New York is an inconvenient forum; and

(d) pursuant to CPLR § 3211(a)(7), dismissing Plaintiffs' Complaint with prejudice on the grounds that Plaintiffs have failed to state a claim for relief.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR § 2214 (b), answering affidavits, if any, are required to be served upon the undersigned at least seven (7) days before the return date of this motion.

Dated: New York, New York
January 2, 2018

ADELMAN MATZ P.C.

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To All Counsel of Record Via NYSCEF