

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

**PRESENT: Hon. Deborah A. Kaplan, Administrative Judge  
Administrative Order**

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

**Plaintiffs,**

**- v -**

**INDEX NO. 656779/2017**

**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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**Administrative Order:**

By letters dated January 12, 2018, counsel for defendants CMGRP, Inc. d/b/a Weber Shandwick and Joshua Kaufman, together with counsel for defendants Patreon, Inc. and Jordan Cope, timely request that this action be assigned to the Commercial Division. No response to the letter requests has been received.

Actions in which the principal claims are for breach of contract or business torts, where the breach or violation is alleged to arise out of business dealings, may be heard in the Commercial Division, provided the \$500,000 monetary threshold for New York County is met or equitable or declaratory relief is sought (Commercial Division Rule 202.70 [a], [b] [1]).

In this action, plaintiffs allege that, after the conclusion of a successful two-year Internet podcast venture between plaintiff George Ouzounian (Ouzounian) and defendant Dax Herrera (Herrera), Herrera, in conjunction with the other defendants, engaged in cyber mob attacks and numerous other online harassment campaigns directed against Ouzounian and his girlfriend, plaintiff Jane Doe. The complaint asserts various causes of action seeking \$20 million in damages for the defendants' alleged improper and tortious conduct. Among other claims, the complaint purports to allege causes of action for invasion of privacy; violation of Civil Rights Law §§ 50 and 51; defamation per se; unfair and deceptive trade practices; unfair competition; intentional and negligent infliction of emotional distress; tortious interference with contract and a business relationship; conversion; false advertising

in violation of General Business Law §§ 349 and 350; and fraud. Plaintiffs allege that the defendants' conduct, in addition to being wanton and vindictive, has "created a thriving business around their continued harassment campaigns, cyber mob attacks and threats against Plaintiffs" (Cmplt., ¶ 19).

The request is granted since the allegations of the complaint meet the requirements for assignment to the Commercial Division.

The General Clerk's Office is directed to randomly reassign this action to a Justice of the Commercial Division. (Motions to dismiss the complaint are currently returnable in the E-Filed Submissions Part on February 16, 2018 [seq. 001] and February 27, 2018 [seq. no. 002]).

Dated: February 1, 2018

ENTER: Deborah A. Kaplan, A.J.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION

Hon. Deborah A. Kaplan  
Administrative Judge  
Supreme Court, New York County  
Civil Branch