

# EXHIBIT 2

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK - CIVIL TERM - PART: 53

-----X  
GEORGE OUSOUNIAN P/K/A MADDOX, and  
JESSICA BLUM,  
Plaintiffs,

- 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  
Ind. No.: 656779-17  
60 Centre Street  
New York, New York  
May 15, 2018

Before:  
HON. CHARLES E. RAMOS,  
Justice

A P P E A R A N C E S:

THE LANDAU GROUP  
45 Rockefeller Center  
New York, New York 10111  
BY: KEVIN A. LANDAU, ESQ.  
Attorney for the Plaintiffs

HARRIS, ST. LAURENT & CHAUDHRY LLP  
40 Wall Street - 53rd Floor  
New York, New York 10005  
BY: REID SKIBELL, ESQ.  
and  
KRISTIN OLSON, ESQ.  
Attorneys for Defendants Patreon, Inc. and Jordan Cope

Michael Barfield  
Official Court Reporter

1 THE COURT: The first question I have about  
2 this case is why are we here? Don't we have some  
3 problems in terms of jurisdiction here?

4 MR. SKIBELL: Your Honor, this is Reid  
5 Skibell for Patreon and Jordan Cope.

6 I agree. That's what I was planning to talk  
7 about. I can talk or Mr. Landau can talk about it.

8 THE COURT: Well, this is your motion to  
9 dismiss, correct?

10 MR. SKIBELL: Yes.

11 THE COURT: There is the lectern. We will  
12 hear from you first.

13 MR. SKIBELL: Your Honor, we have what I  
14 thought were four good reasons to dismiss this  
15 complaint, but I am here really to focus on personal  
16 jurisdiction because I believe it is evident this case  
17 belongs in California and not New York.

18 Now, this is an online harassment case. It  
19 involves a dispute between two internet personalities,  
20 new media.

21 The plaintiffs are George Ouzounian, who goes  
22 by the moniker Maddox, and his former girlfriend  
23 Jessica Blum. They are both residents of California.  
24 They work in California. Any communications from them  
25 took place in California and any communications to them

1 were received in California. Any injury they had also  
2 took place in California.

3 Now, we represent two of the defendants.  
4 They are not the ones alleged to have engaged in any  
5 harassment. They are a website called Patreon.  
6 Patreon helps artists, musicians, creators, et cetera,  
7 make a living. Both Mr. Ouzounian and the person who  
8 is alleged to have engaged in the harassment, Dax  
9 Herrera, who goes by the moniker Dick Masterson, are  
10 users of Patreon.

11 Now, Patreon is a Delaware incorporated  
12 company with its principal place of business in San  
13 Francisco. It has no offices in New York. It has  
14 almost no real property in New York. It has no  
15 employees in New York. It has no bank accounts in New  
16 York.

17 THE COURT: All it is is a website?

18 MR. SKIBELL: Yes. It has no bank accounts  
19 in New York.

20 THE COURT: It is not owned by the plaintiff  
21 or defendant?

22 MR. SKIBELL: What?

23 THE COURT: It is not owned by the plaintiff  
24 and not owned by this individual defendant?

25 MR. SKIBELL: No.

1 Mr. Jordan Cope, who is the individual  
2 defendant, is a relatively low-level Patreon employee.  
3 He is a resident of California. He has never stepped  
4 foot in the great state of New York. He has never  
5 connected through an airport here. He has never come  
6 here as a tourist. He has zero connection to New York.

7 What the plaintiffs allege -- I can tell you  
8 what their allegations are that relate to personal  
9 jurisdiction.

10 MR. LANDAU: I can --

11 MR. SKIBELL: They have two.

12 They say that we have some users -- Patreon  
13 has some users in New York, as do virtually every  
14 company out there. They have some users in New York.  
15 And they said we have investors in New York, which is  
16 also the same, as virtually every company out there has  
17 some shareholders in New York.

18 There is no connection alleged between either  
19 the investors or the users and the allegations in the  
20 case which relate to a complaint that was brought by  
21 Mr. Ouzounian to Jordan Cope of Patreon.

22 He essentially -- Mr. Ouzounian said, look,  
23 me and others are being harassed by one of your users  
24 on other websites, not yours, on things like Facebook  
25 and YouTube, and I think you should shut down Dax

1           Herrera's account. He didn't like how that complaint  
2           was handled, which is why he brought this complaint  
3           against Patreon and others.

4                        Regardless of whether or not that states a  
5           claim, those communications took place from California  
6           to California. There is no connection between New  
7           York, the users in New York or the investors.

8                        THE COURT: Who are the other defendants  
9           here?

10                      MR. SKIBELL: Most of the other defendants  
11           are collaborators of Mr. Herrera.

12                      THE COURT: I see.

13                      I take it some of those are in New York? Or  
14           we don't know?

15                      MR. SKIBELL: There is one that's in New  
16           York, Mr. Asterios -- I can't pronounce his last name.  
17           They are here tomorrow. They have many other issues.  
18           I don't know all the details, but I know he is at least  
19           in New York.

20                      The PR firm, Weber Shandwick, has some  
21           offices in New York, as well, I believe.

22                      THE COURT: But you are just representing the  
23           two last defendants?

24                      MR. SKIBELL: I am representing the two last  
25           defendants.

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THE COURT: Okay.

Plaintiff, why are we suing these two  
defendants here?

MR. LANDAU: All right, your Honor.

Thank you for asking that question.

To begin, just a point of clarification for  
the record, now former girlfriend, and not current  
girlfriend, is another plaintiff, Jessica Blum.

THE COURT: Does she have a name.

MR. LANDAU: Jessica Blum, yes. That has  
since been amended, I believe.

THE COURT: Okay.

MR. LANDAU: Patreon is not just a website as  
brother counsel would like to explain. It is a  
platform. It has raised \$107 million of venture  
capital for their operations of this fund, 60 million  
of which was raised by Thrive Capital, who is indeed --

THE COURT: Counsel, there are a lot of  
companies making a lot of money and do business in a  
lot of states. It doesn't mean they can be sued in  
every state of the nation.

MR. LANDAU: Your Honor, if you will allow me  
the same latitude to explain as you did defense  
counsel, then I think that we will --

THE COURT: Just answer my question.

1 MR. LANDAU: The personal jurisdiction is  
2 derived as a result of multiple connections to New  
3 York. They have tens of thousands of users. Among  
4 those users and creators, one of them is a resident of  
5 New York, Asterios Kokkinos. The other one has a book  
6 deal, and has property, Dick Masterson, and his  
7 monogram, that is owned by publishing companies within  
8 the State of New York.

9 THE COURT: But that's not owned by the  
10 defendant.

11 MR. LANDAU: Pardon?

12 THE COURT: You are not saying the defendant  
13 owns property here.

14 MR. LANDAU: No, no, no.

15 The defendant is a platform.

16 THE COURT: The defendant is a corporation.  
17 I don't care what it does. It is a corporation. It is  
18 an entity.

19 MR. LANDAU: In Delaware, correct.

20 THE COURT: It doesn't have an office here,  
21 doesn't do business here.

22 MR. LANDAU: It does do business here.

23 THE COURT: How does it do business here?

24 MR. LANDAU: They have a sophisticated  
25 banking and payment processing services. They act as

1 agents for each of their users and creators. Tens of  
2 thousands are located in the New York area. Among  
3 those, Mr. Kokkinos is a resident of New York and also  
4 a defendant of this lawsuit.

5 In addition to that, Mr. Herrera, who is an  
6 additional individual defendant, does a substantial  
7 amount of business here and makes a lot of money from  
8 --

9 THE COURT: He is not the one making the  
10 motion. The corporation --

11 MR. LANDAU: Your Honor, they are all  
12 interrelated, though.

13 THE COURT: Excuse me.

14 The corporation and an individual named  
15 Jordan Cope are saying why are we being sued here. You  
16 want to sue us, whether you have a claim or not, sue us  
17 in California.

18 MR. LANDAU: Patreon has up to and including  
19 40,000 New York based users and creators. That more  
20 than sufficiently --

21 THE COURT: No, it is not. It is not  
22 sufficient at all.

23 Look, there are large companies in this  
24 country and overseas that have customers and have  
25 dealings with people in New York. It doesn't make them

1 subject to jurisdiction here. We have constitutional  
2 requirements.

3 MR. LANDAU: Your Honor, from our position  
4 the standard in opposing the motion to dismiss pursuant  
5 to CPL 3211(a)(8) is on the grounds that discovery on  
6 the issue of personal jurisdiction is necessary a  
7 plaintiff need not make a prima facie showing of  
8 jurisdiction but instead must only set forth a  
9 sufficient start and show that its position is not  
10 frivolous.

11 THE COURT: Hold on. Hold the phone. Hold  
12 the phone.

13 You have to have some basis upon which I can  
14 conclude that you have a valid claim for jurisdiction  
15 in New York. This is not a fishing expedition.

16 MR. LANDAU: Our client does business in New  
17 York. Our client --

18 THE COURT: Your client is the plaintiff. I  
19 am concerned about the constitutional right that these  
20 defendants have not to be sued in New York. Can be  
21 sued in another jurisdiction, that's fine.

22 I think as a jurisdiction, if I am not  
23 mistaken, your client lives in California as well,  
24 correct?

25 MR. LANDAU: Correct, your Honor.

1 THE COURT: Is this harassment?

2 MR. LANDAU: Pardon me?

3 THE COURT: Why are you bringing the action  
4 in New York? Why not bring this action in California?

5 MR. LANDAU: As it relates to these two  
6 defendants, your Honor?

7 THE COURT: Yes.

8 MR. LANDAU: Well, as I have been trying to  
9 explain, it is a little bit more complicated than just  
10 a linear/binary type of situation because they have so  
11 many different types of people; users, creators --

12 THE COURT: You are not answering my  
13 question. You are getting back to your original  
14 argument. I know that's what you are prepared to do.  
15 I understand that. But I am asking a very simple  
16 question, a logical strategic question.

17 Why doesn't your California plaintiff sue the  
18 California defendants in California?

19 Is it that you can't get jurisdiction of the  
20 other defendants?

21 MR. LANDAU: Well, jurisdiction is natural  
22 over the other defendants.

23 THE COURT: Is what? National?

24 MR. LANDAU: Personal jurisdiction would be  
25 natural based upon their direct ties.

1 THE COURT: You are saying -- are these other  
2 -- well, let's -- Foundation Digital. Where are they?

3 MR. LANDAU: I don't believe they have any  
4 offices. But as far as their interactions --

5 THE COURT: What about Greg Boser? Where is  
6 he?

7 MR. LANDAU: They are a part of Foundation  
8 Digital. They have not been served yet, but Foundation  
9 Digital has.

10 Dax Herrera, he has direct business with New  
11 York.

12 Weber Shandwick --

13 THE COURT: Mr. Herrera, he lives in  
14 California, doesn't he?

15 MR. LANDAU: He does.

16 THE COURT: Loren Baker is a he or she? I  
17 don't know.

18 MR. LANDAU: I believe a she. I am not sure.

19 THE COURT: Do you know where she lives?

20 MR. LANDAU: I believe in California. I am  
21 not certain.

22 THE COURT: CM --

23 MR. LANDAU: She has not been served yet.

24 THE COURT: How about CMGRP, Inc.? Whatever  
25 that is.

1 MR. LANDAU: That's Barbara Shandwick. They  
2 have offices in New York.

3 THE COURT: What are they?

4 MR. LANDAU: They are a large PR firm that's  
5 owned by a publicly traded company that's on the NYSD.

6 THE COURT: What's their connection to the  
7 claim?

8 MR. LANDAU: That's tomorrow, so --

9 THE COURT: I am asking a question. I expect  
10 an answer.

11 MR. LANDAU: Sure. They are the employer of  
12 Asterios Kokkinos. Many of the acts and conduct that  
13 Mr. Kokkinos has performed throughout --

14 THE COURT: Joshua Kaufman also a New York  
15 resident?

16 MR. LANDAU: Yes. He is counsel of Barbara.

17 THE COURT: Kokkinos. You have talked about  
18 that a lot.

19 MR. LANDAU: He is a New York resident.

20 THE COURT: Who is he and what does he do?

21 MR. LANDAU: He is -- I believe it is called  
22 senior copy writer at Weber Shandwick. He has used  
23 during business hours their equipment, their technology  
24 at the employer, Weber Shandwick, throughout this  
25 campaign of harassment.

1 THE COURT: You are saying he is part of this  
2 harassment?

3 MR. LANDAU: Very much so.

4 THE COURT: Trevor Birt?

5 MR. LANDAU: Trevor Birt.

6 He is affiliated with Patreon, is he not?

7 No, Trevor Birt is another person that has  
8 not been served quite yet.

9 THE COURT: I don't care if he has been  
10 served or not. What is his relationship to the  
11 litigation? Is he one of the participants?

12 MR. LANDAU: He is a proponent of harassment  
13 and so on and so forth.

14 THE COURT: It seems to me that you are  
15 alleging that these other folks have committed a tort,  
16 or torts, directed at your client.

17 MR. LANDAU: All of them, yes.

18 THE COURT: Wouldn't you have jurisdiction  
19 over them in California under the California long-arm  
20 statute?

21 MR. LANDAU: Yes, we believe we do.

22 THE COURT: I still don't understand why an  
23 action is being brought in New York.

24 Does the fellow come to New York a great  
25 deal? Your client? In this litigation he is going to

1 have to come here a lot to be deposed.

2 MR. LANDAU: As he will, your Honor.

3 They satisfy the minimum contact.

4 THE COURT: All right. Put aside the others.  
5 Whether they have been sued in California, I don't  
6 care. I am concerned about the two defendants moving  
7 here.

8 MR. LANDAU: Yes.

9 THE COURT: What are you alleging that Mr.  
10 Jordan Cope has done to your client?

11 MR. LANDAU: So there is a series of  
12 correspondence between --

13 THE COURT: I have seen it in the file.

14 But what has Mr. Cope done?

15 MR. LANDAU: During such correspondence he  
16 had made deliberate and intentional claims that it was  
17 being referred, that it was being handled, that his  
18 complaint -- by him I mean our client -- his complaints  
19 were being addressed.

20 During this entire period his girlfriend and  
21 him were --

22 THE COURT: He? Who he? His girlfriend?

23 MR. LANDAU: Plaintiff's girlfriend and  
24 himself. So Ms. Blum and Mr. Ouzounian advanced a  
25 series of harassment techniques. His girlfriend was

1 called racial slurs, rape was threatened --

2 THE COURT: By Cope?

3 MR. LANDAU: No, your Honor. But through --

4 THE COURT: Counsel, please.

5 You are trying to bring Mr. Cope in on a  
6 long-arm statute, correct? I have to know what you are  
7 alleging Mr. Cope did.

8 MR. LANDAU: I am trying to provide context.

9 THE COURT: It is really -- Mr. Cope did  
10 this. You tell me what it is.

11 MR. LANDAU: Mr. Cope --

12 THE COURT: He sent an email?

13 MR. LANDAU: Well, through email  
14 correspondence, yes.

15 Mr. Cope advised our clients that these  
16 matters were being taken.

17 THE COURT: Taken care of.

18 MR. LANDAU: That they were being referred to  
19 the proper channels, both their Trust & Safety  
20 Department --

21 THE COURT: Mr. Cope is lying. Is that a  
22 tort?

23 MR. LANDAU: It is.

24 THE COURT: It is?

25 MR. LANDAU: Given the nature over a period

1 of time he was intentionally misleading our plaintiffs  
2 to placate to them because it was apparent that Patreon  
3 was valuing Mr. Herrera --

4 THE COURT: How were they being damaged by  
5 his saying it was being taken care of? There has to be  
6 damage. We are talking here about a tort. How was  
7 your client and his girlfriend damaged by the fact that  
8 Mr. Cope says it is being taken care of and it wasn't  
9 being taken care of?

10 It wasn't. All right.

11 The motion to dismiss Patreon Inc. and Jordan  
12 Cope is granted.

13 Their enjoining them as defendants in this  
14 case was frivolous and in bad faith.

15 Thank you very much. Motion is granted.

16 MR. LANDAU: I didn't even get to the terms  
17 of use.

18 THE COURT: We're done.

19 \*\*\*\*\*

20 May 17, 2018

21 The above is certified to be a true and  
22 accurate transcript of the proceedings.

23   
24 MICHAEL BARFIELD

25