SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION—FIRST DEPARTMENT

----------X

Roy Den Hollander,

Plaintiff-Appellant,

-against-

New York County
Ind. No. 152656/2014
Hon. Jennifer Schecter

Tory Shepherd, Advertiser Newspapers Pty Ltd.,
Amy McNeilage, Fairfax Media Publications Pty Ltd.,

Defendants-Appellees.

----------X

Memorandum of Plaintiff-Appellant in Opposition to Defendants-Appellees' Motion to Dismiss the Appeal or Strike the Plaintiff-Appellant's Brief and Appendix

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Preliminary Statement

"There can be no equal justice where the kind of [appeal] a man gets depends on the amount of money he has." *Griffin v. Ill.*, 351 U.S. 12, 19 (1956)(Justice Hugo Black) (substituting the word "appeal" for "trial").

Defendants-Appellees' law firm is a major national media-firm that in this case is effectively representing Rupert Murdoch's News Corp and another multi-billion dollar global company—Fairfax Media Publications Pty Ltd. ("Fairfax"). (News Corp owns Advertiser Newspapers Pty Ltd. ("Advertiser") and considers Advertiser a "segment" of its corporation in News Corp's *10-K Filing*, August 14, 2014, Plaintiff-Appellant's Brief ("Br.") at 47-48).

I am the Plaintiff-Appellant, Roy Den Hollander ("Den Hollander," which is my last name). I am 68 years old, a semi-retired sole-practitioner attorney, who earned all of $35,000 last year thanks, in part, to the typical PC *ad hominem* attacks of lawyers such as Katherine M. Bolger ("Bolger") and her clients, the Defendants-Appellees ("Defendants"). I do not believe it is fair to grant a couple of billion-dollar corporations any additional advantage then they already have by saddling me with unnecessary expenses in order to create a precedent that only the rich can appeal to this Court and that the barely middle-class must lose by default.

Bolger submitted in her motion to dismiss in the lower court 496 exhibit pages of mainly irrelevant documents. (Doc. No. 46). To put all of her pages in my Appendix would have cost around $5,000 for printing, which I could not afford, rather than the $2,000 I spent on printing the relevant documents. Bolger's intention was, and is, to price me out of this appeal. Bolger's 496 pages, some of which were not even searchable as required by the lower court's e-filing rules, included pictures of fire, screaming men, and other bizarre matter that had nothing to do with the lower court's decision. The lower court's decision relied on the affidavits of Defendants

to rule that personal jurisdiction did not exist. (*Order* at 2-4, 7, 9; A-8-10, 13, 15, Doc. No. 119). Bolger even admits that the lower court "rel[ied] on the affidavits submitted by Defendants." (Bolger Mem. at 11). All of Defendants' affidavits and Bolger's affirmations are in the Appendix. (A-109-144).

Adding Bolger's superfluous documents will, in effect, result in the entire record on appeal. Such a request makes a mockery of the Judicial Advisory Committee's aim to make the appendix method the principal method for an appeal when it amended CPLR 5528 in 1963. David D. Siegel, *Practice Commentaries C5528:1*.

Additionally, most of Bolger's exhibits that are not in the Appendix argue that I am not PC or not a Feminist. That, of course, depends on the definitions used, but regardless of the definitional issue, I will go her one better—I am a volunteer on Trump's campaign. So if this Court believes that a person's political beliefs determine how it will decide, then there's not much I can do other than to seek justice in the Court of Appeals.

Background

I am not going to waste this Court's time by refuting all the lying, prevaricating, and dissembling comments that Bolger employs in her attempt to bias this Court against me in her all too familiar strategy of litigation by personal destruction.

Bolger submitted to the lower court on three different occasions a forged document by deleting a material part of one of the articles at issue in this case. (Br. at 6-7; A-145-146, Doc. No. 9 Ex. 5(A), Doc. No. 46 Ex. 5(A), Doc. No. 114 Ex. 5(A) and 9(A)). Bolger falsely claims there is "no support" in the record that the version of McNeilage's article submitted by her was a forgery. (Bolger Mem. at 9). However, a simple comparison of the article as published on the Internet (A-93-94, Doc. No. 15), which is part of the record, and the article submitted three times

by Bolger shows she deleted a material portion of the article—that's forgery. The portion deleted was material to showing common-law malice, which is an element of injurious falsehoods and tortious interference alleged in the complaint.

Bolger also clearly suborned perjury by her clients (A-100-108), and knowingly violated the Supreme Court's rules by filing a number of unsearchable PDF documents (Doc. No. 46) in order to cheat her way to victory in the lower court—she is not exactly in a position to make personal attacks.

My business for over 30 years has been lawyering, which includes researching the law, drawing conclusions about the law, and presenting such research and conclusions in written and oral form to laypersons, other attorneys, and the courts. These are the products and services that I sell, and they are what I was selling to the University of South Australia ("University") before Bolger's clients pulled a Joseph McCarthy.

I had prepared a course section titled "Males and the Law" as part of the "Facts and Fallacies of Male Power and Privilege" course, which was one of eight graduate courses to be taught in the newly formed Male Studies Program at the University. My section, which was to be taught online from New York, was an abridged version of how the law in America and England treated the two sexes differently since the Industrial Revolution. This history of the law was based on law review articles from the 1800s to the early 2000s; recent civil rights cases; studies of U.S. criminal sentencing guidelines; various newspaper articles; recent changes in self-defense laws; and the writings of Prof. Howard Zinn. The section was copyrighted.

Two articles in a series of articles published in New York via Advertiser and Fairfax's websites, *see Firth v. State*, 98 N.Y.2d 365, 370 (2002)(state making document available on its website constituted publication), disparaged my work product, the "Males and the Law" section,

and resulted in the University canceling six of the eight graduate courses of which one was the course that included my section for which I would have been paid. Defendant Shepherd and Defendant McNeilage each authored one of the two articles both of which named me. Defendant Shepherd also published another three articles of which the last two contained most of her personal attacks against me. Her last article named me, and her second to last article clearly indicated me by referring to her first article that had named me. (Bolger's Affirmation Exhibits, Doc. No. 46 Ex. 3(C) and 3(D)).

I brought causes of action against all Defendants for injurious falsehoods and tortious interference with prospective contractual relations. Additionally, I sued only Defendant Shepherd for libel. (First Am. Verified Compl. A-17-76, Doc. No. 11). In a hearing before Justice Tingling, I made a standing motion requesting a discovery trial on the issue of personal jurisdiction because a modicum of research on the Internet of periodicals of general circulation showed Defendants, over two sets of affidavits, had repeatedly committed perjury and omitted material information concerning their contacts with New York. The Addendum to my Reply in that motion (Doc. No. 111 at 25-30) listed some of those perjuries, omissions, and possible discovery questions.

That Addendum (Doc. No. 111 at 25-30) is presented in the Appendix (A-100-108) with a few explanatory additions for understanding the document that were not included in the Reply because in the context of the Reply, the explanatory notes were not needed. To the title of "Addendum: List of Perjuries and Omissions by Defendants" was added "concerning respondents' contacts with New York"; just below the title, a terminology key was added that stated "'1st Aff.' refers Bolger's First Affirmation that presents Respondents first set of affidavits and '2nd Aff.' to Bolger's Second Affirmation. Each falsehood includes discovery

questions that the lower court prevented from being asked because it denied discovery;" and to a discovery question, "Does Advertiser sell products in New York through agents?" was added does it sell "its paper and other," products. As for the exhibit references in the Addendum, (Doc. No. 111 at 25-30), they were changed so as to cite to the Appendix page locations of those exhibits; otherwise, how would this Court be able to find them without wasting time.

Bolger alleges there were other changes or additions to the Addendum, but she fails to cite to them. (Bolger Mem. at 9). If she had other accusations of changes or additions, she should have specified them in her memorandum so that I would have had the opportunity to respond. Bolger's memorandum, as this Court in effect stated on April 1st, had obviously been in the works for a period of time. Bolger actually had the time from March 15th, when my Brief and Appendix were personally served (Ex. B) and she responded to the oral argument request (Ex. C), to April 1st, when she filed her motion to dismiss the appeal. She also clearly had the resources of a major law firm to specify all her objections to the list of her clients' perjuries and omissions. By not doing so, she waived those objections.

Bolger is well aware of that list and all the accusations I made throughout my papers in the lower court of her clients' perjuries and omissions under oath, yet she falsely claims there is no support in the record indicating her clients committed such. (Bolger Mem. at 9).

The lower court denied my request for discovery on personal jurisdiction and concluded that all the causes of action were for libel and that personal jurisdiction under libel did not exist.

The Notice of Appeal was filed on February 2, 2016, and on the same day, I served on Bolger my version of a "Statement in lieu of stenographic transcript[s]" before Justices Tingling and Schecter because the one hearing before each Justice was not recorded. (Ex. D, mail receipt). On February 11, 2016, Bolger's paralegal served Bolger's request that the lower court

reject my statement, and if it did not, then Bolger listed her objections to my statement. (Ex. E). On March 9, 2016, I went to the lower court's clerk's office to submit Bolger's and my statements but was told I must file them electronically, which I did. (Doc. Nos. 127-130). As of the date of this Opposition, the lower court has not settled a statement in lieu of stenographic transcript.

Argument

Bolger's strategy with her motion to dismiss my appeal or strike my Brief and Appendix is clear—she wants to make my printing costs so prohibitively expensive that she will win by default. Her motivation is also clear—she wants to hide from this Court the perjuries and omissions of her wealthy clients, her aiding in such perjuries and omissions, and her submitting on three separate occasions a forged document to the lower that had material value to my case.

It was the growing concern over the high and continually increasing cost of printing entire records on appeal and the use of it by "deep-pockets" to deter appellate review that led to the appendix system in the first place. The Court of Appeals in *E. P. Reynolds, Inc., v. Nager Electric Company, Inc.*, 17 N.Y.2d 51, 55 (1966) stated:

> We note that the appendix system was adopted in New York after extended study indicated the need to reduce the cost of printing records on appeal. (*Second Preliminary Report of Advisory Comm. on Practice and Procedure* [N. Y. Legis. Doc., 1958, No. 13], pp. 344-347; Eleventh Annual Report of N. Y. Judicial Council, 1945, pp. 414-416.).
>
> In accordance with this policy, paragraph 5 of subdivision (a) of CPLR 5528 provides that an appellant's appendix shall contain "only such parts of the record on appeal as are necessary to consider the questions involved, including those parts the appellant reasonably assumes will be relied upon by the respondent."

Since the lower court relied on the affidavits of Bolger's clients, as she admits (Bolger Mem. at 11), and her affirmations, all of which are in the Appendix (A-109-144), to rule that personal jurisdiction did not exist, (*Order* at 2-4, 7, 9; A-8-10, 13, 15, Doc. No. 119), it was

reasonable to assume she had what was necessary to oppose the appeal. But that would mean Bolger's multi-billion dollar clients would not be able to make my appeal so costly that I would have to default, which, of course, was one of the key reasons for Bolger including so many extraneous exhibits in the court below.

The Court of Appeals noted in *E. P. Reynolds, Inc.* that

> The draftsmen assumed that the main practice problem would be the printing of appendices that were too extensive rather than too attenuated. Thus, while the provision for sanctions in subdivision (e) of CPLR 5528 allows the court to "withhold or impose costs" for "any failure to comply with subdivision (a), (b) or (c)" (*see* 7 Weinstein-Korn-Miller, *N. Y. Civ. Prac.*, par. 5528.03, p. 55-208 [1965]), the draftsmen assumed that the power would be exercised "if unnecessary parts of the record are printed;" (*Second Preliminary Report of Advisory Comm. on Practice and Procedure* [N. Y. Legis. Doc., 1958, No. 13], p. 354 . . .). This, of course, is the situation in which sanctions are most useful.
>
> The most effective guarantee against an inadequate appendix, of course, is an attorney's desire to supply the court with all material necessary to convince it to adopt his client's position. And with the tactical and practical risk of omission so great, the main danger to be guarded against, in the view of the draftsmen, is the too verbose rather than the too cryptic appendix.

Those reasons for the appendix method of appeal, however, do not serve Bolger's objective to win by default rather than on the merits. Therefore, she calls for dismissal of the appeal or striking of my Brief and Appendix, which would in effect result in this Court affirming the lower court's dismissal because I cannot afford the printing costs that Bolger is trying to levy against me.

A merits disposition based solely on a defective appendix, however, will not be permitted. *E.P. Reynolds, Inc.*, 17 N.Y.2d at 55. The appeal in *Reynolds* had originally sought a reversal on the ground of the insufficiency of the evidence. Of a trial transcript in *Reynolds* of close to 1,000 pages, the appendix reproduced only 13. The Court of Appeals held that even an appendix as defective as that would <u>not</u> justify a merits decision.

> To hold otherwise would inevitably decrease the value to be derived from an appendix by encouraging the inclusion of material unnecessary to the questions sought to be reviewed. In the final analysis, an unnecessarily extended appendix proves as burdensome as one which is too short. *E. P. Reynolds, Inc. v. Nager Elec. Co.*, 17 N.Y.2d 51, 55 (1966).

Bolger and her clients are not without a remedy. They can submit the additional documents that comprise most of their lower court exhibits as their own appendix, which her clients could easily afford. Of course, by doing so she may incur sanctions under CPLR 5528(e).

Bolger's Objections

Throughout Bolger's objections, she is either nit-picking or exaggerating in order to increase my cost to a prohibitive level.

Bolger alleges that certain documents in my Appendix are "unauthenticated," (Bolger Mem. at 2, 5, 8, 10), even though there was never a trial on personal jurisdiction. In effect, Bolger is arguing that I was required to present in the lower court "admissible evidence" that Defendants had sufficient contacts with New York. A plaintiff need not establish *prima facie* jurisdiction under CPLR 302 before disclosure may be allowed in a hearing pursuant to CPLR 3211(d)—a hearing that never occurred in this case. CPLR 3211(d) "protects the party to whom essential jurisdictional facts are not presently known, especially where those facts are within the exclusive control of the moving party [Defendants]. The opposing party [Plaintiff] need only demonstrate that facts 'may exist' whereby to defeat the motion." *Peterson v. Spartan Industries, Inc.*, 33 N.Y.2d 463, 466 (1974).

The documents found on the Internet concerning Defendants' contacts with New York point to further information that is exclusively within Defendants' control and possession, such as why the business address of the Chairman of Advertiser is at News Corp on Sixth Avenue; does News Corp treat Advertiser as a mere department; the number of New Yorkers Advertiser

and Fairfax contract with to sell their online papers and other products and services; the extent of Advertiser and Fairfax's solicitations for customers in New York; the nature of Advertiser and Fairfax's partnerships with other companies to further their media operations, including companies in New York; and are Fairfax's independent contracting reporters in New York really independent contractors or employees under New York law. Without discovery, it was impossible for me to answer these questions and many more; however, the Internet data from newspapers and periodicals of general circulation, CPLR 4532, made a "sufficient start," showing that my assertion of jurisdiction was "not frivolous.[1] *Peterson*, 33 N.Y.2d at 467.

Despite Bolger's over-hyped-exaggerations of a defective Appendix, she really only makes picayune, irrelevant objections to a small number of specific documents, and then tries to spin-off of those few documents the false conclusion that such "deficiencies permeate" the Appendix. (Bolger Mem. at 5-6). Bolger is a partner in a major national media-firm, yet she and her associates employ the short-cut of failing to specify all the documents they allege result in a defective Appendix. Rather, they rely on a few "anecdotes, and stitch them into a . . . creation that mimics valid inquiry." *Pathetic bid for victimhood by portraying women as villains*, Tory Shepherd, January 14, 2014, (A-87).

<u>Bolger objects to the inclusion of the following documents in the Appendix:</u>

1. The University's "Information Sheet" on the Males Studies program (A-95-96) of which Defendants were well aware, since Defendant Shepherd had obtained a copy of it and wrote about it in her article titled *University of South Australia gives controversial Male Studies course the snip*, January 14, 2014, (A-84, Bolger Doc. No. 46 Ex. 3(B)("An information sheet on the Male Studies course . . . ."). In the court below, this "Information sheet" was also referred to in the First Amended Complaint at ¶ 38 (A-25,

[1]All the documents submitted in the lower court by me were either part of my verified complaints or affidavits.

Doc. No. 11) and the Opposition Affidavit to Defendants' Motion to Dismiss at ¶¶ 12(a) and 205 (Doc. No. 48). So where is the surprise; where is the prejudice?

2. Publicly available Internet data about two correspondent reporters located in New York that Defendant Fairfax uses to source stories. (A-159-162). This Court can take judicial notice of such because an appellate court may take judicial notice of matters not in the record on appeal in order to support a reversal of the lower court's decision. *See, e.g. Zouppas v. Yannikidou*, 16 A.D.2d 52, 54 (1st Dept. 1962).
3. The agreement between the University and me that was the very basis for my creating and agreeing to teach the "Males and the Law" section with which Defendants interfered giving rise to the causes of action. (A-97-98). The arguments in the lower court swirled around what that agreement created through 131 documents and four motions. Bolger cannot seriously assert that by including it in the Appendix she was taken by surprised or was somehow prejudiced.
4. The opposing statements in lieu of a transcript. (Doc. Nos. 127-130). Since both sides are presented but disagree, it is clear there exist factual issues over what took place at the two hearings—issues this Court may or may not consider material. As of the date of this Opposition, the lower court has not settled the statements.

Bolger objects to the form but not the substance of the following documents:

1. Bolger alleges that the articles by Shepherd and McNeilage have been edited but doesn't say how. (Bolger Mem. at 9). The two articles at A-81-85 appear as they did in Bolger's Second Affirmation Exhibit 3(A) and 3(B) of Shepherd's Second Affidavit, Doc. No. 46 Ex. 3(A) and 3(B) —that is Bolger's Affirmation not mine! The article at A-86-88 is how it appears in Bolger's Second Affirmation Exhibit 3(C), Doc. No. 46 Ex. (C), but for

some computer copying reason "News" at the top is in italics in the Appendix. The article at A-89-92 is the article that appears on the Internet and is substantively identical to that submitted in the lower court by both Bolger's Second Affirmation Exhibit 3(D), Doc. No. 46 Ex. (D), and my First Amended Verified Complaint's Exhibit F, Doc. No. 17. Documents on the Internet appear different in format and advertisements depending on the browser used to view them, but the substance remain the same. Even the articles submitted by Bolger appear differently in different submissions. For example, compare her submissions at Doc. No. 46 Ex. 3(A) and 3(B) with her Doc. No. 71 Ex. 3(A) and 3(B). Bolger is trying to use this well-known fact about the Internet to assert I intentionally tried to mislead this Court. Her argument is neither logical nor accurate—but hypocritical.

5. The email from Defendant Shepherd to me (A-99) is also substantively identical to that submitted in the lower court but because of different browsers, it looks different. (Doc. No. 96). Bolger also duplicitously used a "*see e.g.*" cite to imply there are other examples that make the Appendix defective, but, once again, she does not specify. (Bolger Mem. at 9).

Bolger's objection that I failed to include necessary documents for her appeal was dealt with above at pages 1-2, 6-8.

Bolger's objections to the Appendix Index:

1. Bolger objects that the forged document that she submitted to the lower court on three different occasions is titled "Forgery of the McNeilage article by attorney Bolger in her First Affirmation at Exhibit 5(A), her Second Affirmation at Exhibit 5(A) and her Affirmation in opposition to discovery at Exhibits 5(A) and 9(A),"—but that is what it is. (A-145-146, Doc. No. 9 Ex. 5(A), Doc. No. 46 Ex. 5(A), Doc. No. 71 Ex. 5(A) and

9(A)). Forgery is the crime of altering a written instrument so that it appears to be authentic. *See* N.Y. Penal § 170.05. Bolger swore three times under penalty of perjury that the exhibits of McNeilage's article were "true and correct cop[ies]"—they were not. (Bolger's Affirmations, Doc. No. 9 ¶ 6, Doc. No. 45 ¶ 6, and Doc. No. 70 ¶¶ 6 and 10). The forgeries created by Bolger deleted a chart prominently displayed as part of the original article that was published online. (A-93, Doc. No. 15). The chart is evidence of common-law malice by McNeilage when she wrote her article. Common-law malice is a material element of injurious falsehoods and tortious interference. By deleting the chart, Bolger eliminated evidence of common-law malice, which assisted her in arguing that the only cause of action was libel of a minor public figure that requires constitutional malice.

2. As for Bolger's objection that Laura Parker and Andrew Purcell are not "correspondents" for Fairfax's newspaper the Sydney Morning Herald but freelancers, (Bolger Mem. at 10), this seems to be a distinction without a difference. The bylines on their articles for the Herald are their names, not Laura Parker or Andrew Purcell Freelance Journalists. Further, this Court can take judicial notice of the public Internet information indicating these two are correspondents for the Herald. *See, e.g. Zouppas v. Yannikidou*, 16 A.D.2d at 54 (judicial notice of matters not in the record).
3. Bolger attacks the Appendix Index for "not indicat[ing] where the documents were submitted" in the lower court. (Bolger Mem. at 10). However, "[t]he specification in rule 235 that the index . . . contain a reference to the pages where a motion for a dismissal of the complaint or for the direction of a verdict appears is omitted." McKinney's Legislative Studies and Reports, CPLR 5528, Subd. (a).

Bolger also argues for a merits determination by dismissing the appeal or striking my Brief and Appendix because my Pre-Argument Statement states the lower court's decision on personal jurisdiction was based on her clients' "perjurious affidavits." (Bolger Mem. at 11). As Bolger admits, the lower court based its decision on Defendant's affidavits, and did not "credit" the allegations of perjury. (Bolger Mem. at 11). I may be wrong, but I always thought that the purpose of an appeal was to challenge a lower court's decision on issues believed to have been wrongly decided. In this appeal, I am arguing, in part, that the lower court's decision denying personal jurisdiction was wrong because it was based on Defendants perjurious and misleading affidavits, which is what I also argued below. Bolger, however, asserts that to challenge on appeal a lower court's decision on a pertinent issue is grounds to dismiss the appeal. (Bolger Mem. at 11).

In her Pre-Argument objection, Bolger also claims that my assertions of perjury by her clients are "without record support." (Bolger Mem. at 5, 11). That is false. The Appendix provides documents that show her clients repeatedly lied under oath about their connections with New York. Such documents were submitted to the lower court, usually on more than one occasion, and are in the lower court's records at Doc. No. 49-52, 57, 60, 61, 85-89, 92, 95, 116. This Court has the authority to review the documents in the Appendix to determine whether Defendants' lied, prevaricated, and dissembled in their affidavits, which is why those documents are in the Appendix.

One final point, according to this Court's Rules of Procedure § 600.2(a)(8)(d)(1), "oral argument will not be heard" on motions such as Bolger's request to dismiss the appeal or strike my Brief and Appendix, (Bolger Mem. at 13). Yet, on April 1, 2016, in this Court, Bolger was permitted to orally argue her motion in which she frequently referred to some of the 18

Exhibits—comprising over 200 pages, that she submitted with her motion to dismiss or strike. I was handed those exhibits and her memorandum in the lobby of this Court on that same day just before she made her application for an interim stay to which she had notified me that I was required to attend. (Ex. F). I asked her, "Couldn't you have sent this to me?" She replied "No!" Had she sent those papers to me, I would have had time to review them. Clearly, she once again arranged to secure to her and her clients another unfair advantage even in violation of this Court's stated procedures of no oral argument on such motions.

Conclusion

In all her objections, Bolger has betrayed a remarkable instinct for the capillaries and exaggeration. She has wasted this Court's time in an effort to make the cost of appealing prohibitively expensive, so she can win by default; otherwise, she would have contacted me in an effort to informally resolve her objections—she did not. Her motion should be denied.

Dated: April 7, 2016

/s/ Roy Den Hollander
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Exhibit A

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Tel. No. 212-850-6100	917-687-0652
Appearing by Katherine M. Bolger	Roy Den Hollander, Pro Se

(Do not write below this line)

DISPOSITION

Adjourn appeal to September 2016 Term

Justice TKW — 4/1/16 Date

Motion Date 4/13/16 Opposition 4/8 Reply 4/13

EXPEDITE _____ PHONE ATTORNEYS _____ DECISION BY _____

ALL PAPERS TO BE SERVED PERSONALLY.

EH
Court Attorney

"Revised 02/01"

Exhibit B

Dick Bailey Service INC
APPELLATE SERVICES

tel: 718.522.4363 | 800.531.2028 | fax: 718.522.4024
25 Chapel Street, Suite 602, Brooklyn NY 11201
dickbailey.com

Affidavit of Personal Service

Roy Den Hollander v. TORY SHEPHERD, ADVERTISER NEWSPAPERS PTY LTD., AMY MCNEILAGE, AND FAIRFAX MEDIA PUBLICATIONS PTY LTD.

Supreme Court, New York County, Index No. 152656/14

State of New York }
County of Kings }

JAMES LEEHR, being duly sworn, deposes and says that he is over the age of 18 years of age, is not a party to the action and is employed by Dick Bailey Service, Inc

on Tuesday, March 15, 2016 deponent served 2 copies of the within

Brief[X] Record[ ] Appendix[X] Notice[ ] Other [X Note of Issue

upon

Levine Sullivan Koch & Schulz, LLP
Katherine M. Bolger, Esq.
321 West 44th Street, Suite 100
New York, New York 10036

by delivering to and leaving same with a proper person or persons in charge of the office or offices at the above address or addresses during the usual business hours of said day pursuant to CPLR 2103(b)(3).

Sworn to before me
Tuesday, March 15, 2016

WILLIAM BAILEY
Notary Public, State of New York
No. 01BA6311581
Qualified in Richmond County
Commission Expires Sept. 15, 2018

JAMES LEEHR

90136

Exhibit C

Gmail **Roy Den Hollander <roy17den@gmail.com>**

Den Hollander v. Shepherd

Kate Bolger <KBolger@lskslaw.com> Tue, Mar 15, 2016 at 2:21 PM
To: Roy Den Hollander <roy17den@gmail.com>
Cc: Matthew Schafer <MSchafer@lskslaw.com>

Mr. Hollander

Please see attached – two versions of the oral argument request, one executed by hand, or in the alternative, another for electronic filing.

Kate Bolger

Katherine M. Bolger

LSKS LEVINE SULLIVAN KOCH & SCHULZ, LLP

(212) 850-6123 | Phone
www.lskslaw.com

From: Roy Den Hollander [mailto:roy17den@gmail.com]
Sent: Tuesday, March 15, 2016 1:10 PM
To: Kate Bolger
Subject: Den Hollander v. Shepherd

[Quoted text hidden]

2 attachments

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Exhibit D

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Available Actions

Text Updates

Email Updates

Track Another Package

Tracking (or receipt) number

70150640000423483162

Track It

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

Sign up for My USPS ›

Exhibit E

Gmail

Roy Den Hollander <roy17den@gmail.com>

152656/2014 - DEN HOLLANDER, ESQ, ROY vs. SHEPHERD, TORY, Objections to Plaintiff's Statements in Lieu of Stenographic Transcript

Brian Earl <BEarl@lskslaw.com> Thu, Feb 11, 2016 at 11:42 AM
To: "rdenhollander97@gsb.columbia.edu" <rdenhollander97@gsb.columbia.edu>

Mr. Hollander,

Attached please find Defendants' Objections to Plaintiff's Statements in Lieu of Stenographic Transcript. A copy of the attached has also been forwarded to you via Federal Express.

Brian Earl
Paralegal

LSKS LEVINE SULLIVAN KOCH & SCHULZ, LLP

321 West 44th Street
Suite 1000
New York, NY 10036
(212) 850-6122 | Phone
(212) 850-6299 | Fax
www.lskslaw.com

Objections to Plaintiff's Statements in Lieu of Stenographic Transcript ....pdf
146K

Exhibit F

Gmail

Roy Den Hollander <roy17den@gmail.com>

Hollander v. Shepherd, et al.

Kate Bolger <KBolger@lskslaw.com> Wed, Mar 30, 2016 at 3:21 PM
To: Roy Den Hollander <roy17den@gmail.com>
Cc: Matthew Schafer <MSchafer@lskslaw.com>

Mr. Hollander,

The defendants in the above-referenced action plan to move to dismiss your appeal in light of the appendix you filed and/or for an order striking the brief and appendix from the record. We are also be asking the First Department for an interim stay of the briefing schedule for the appeal pending resolution of the motion.

We will make that application on this Friday, April 1, 2016, at 10 a.m. at the First Department, 27 Madison Avenue, New York, New York 10010.

As you know, the rules require that we ask for your consent for the interim relief. Will you consent to the stay of the briefing schedule? If not, please plan on appearing this Friday. Please let me know. Thanks.

Very truly yours,

Katherine M. Bolger

Katherine M. Bolger

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