

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SKIDMORE, OWINGS & MERRILL LLP,

11 Civ. 3906 (MGC)

Plaintiff,

ECF CASE

–

v

**DECLARATION OF  
JAY MARSHALL  
STRABALA  
IN SUPPORT OF  
MOTION TO DISMISS  
PURSUANT TO A  
SPECIAL APPEARANCE**

JAY MARSHALL STRABALA , individually  
and d/b/a 2DEFINE ARCHITECTURE

Defendant.

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I, Jay Marshall Strabala, declare under penalty of perjury under the Laws of the United States of America, that the following facts are true and correct.

1. I have personal knowledge of the facts set forth herein after and if called as a witness could and will competently testify thereto under oath.
2. I am over the age of twenty-one years and my residence is a condominium at 860 North Lake Shore Drive, Apt 19L, Chicago, Illinois 60611,
3. I was formerly an employee of the plaintiff, and worked for this firm in Chicago, Illinois from November 1, 1989 until February 17, 2006.
4. When I uses the term “I” herein after I am referring to myself personally and not on behalf of any entity with whom I have been

employed in the past, such as Arthur M. Gensler and plaintiff in his action.

5. Since about June 2010, I have been a principal in 2Define Architecture which has offices in Illinois, Shanghai, and South Korea; the primary office of 2Define Architecture is in Shanghai.
6. Neither I nor 2Define Architecture have any offices in the State of New York.
7. Neither I nor 2 Define Architecture have any agents or employees in the State of New York.
8. Neither I nor 2Define Architecture have any contracts with any entity in the State of New York.
9. Neither I nor 2Define Architecture have any bank accounts in the State of New York.
10. Neither I nor 2Define Architecture have done any business in the State of New York.
11. Neither I nor 2Define Architecture have any business contact(s) with anyone in the State of New York, except we are in contact with Thornton Tomesetti, an international structural engineering firm about projects in Asia
12. Neither I nor 2Define Architecture own any real or personal property in the State of New York.

13. Neither I nor 2Define Architecture lease or rent any real property in the State of New York
14. Neither I nor 2Define Architecture have done any business in the State of New York
15. Neither I nor 2Define Architecture have communicated, orally or in writing with entities resident in the State of New York regarding our doing any business there whatsoever; however we do have contacts with Thornton Tomesetti a structural engineering firm about projects in Asia; this firm has a Shanghai office which we deal with.
16. I am a licensed Architect in the State of New York, which license was obtained while I was in the employ of plaintiff, which license was obtained at the demand of plaintiff during my employment with it. I am also a licensed architect in the States of California, Illinois, and Texas.
17. I have never entered into any contract with any entity in the State of New York employing my New York Architectural license.
18. Neither I nor 2Define Architecture have any contracts with any entity based in New York.
19. I and 2Define Architecture have photographs on Flickr, a third party web site owned by Yahoo, over which neither I nor 2Define Architecture have any control beyond placing and removing content on this web site. .

20. Neither I nor 2Defing Architecture uploaded any photographs on Flickr in the State of New York; any activity uploading materials on this site occurred in Illinois.
21. I and 2Define Architecture have a web site which is [www.define-arch.com](http://www.define-arch.com), said web site was not constructed in the State of New York; This web site was constructed and maintained in China contains only background and contact information.
22. The information on said web site was not generated in the State of New York, nor was such information upload to said web site in the State of New York.
23. The web site, [www.define.com](http://www.define.com), is an informational web site only and no one can make a contract with either I or 2Define Architecture solely using information on the web site without additional contacts with myself or 2Define Architecture.
24. The information on said web site does not target any entity or person in the State of New York and only refers to offices in Illinois, Shanghai, and South Korea requiring that clients go to or contract one of those offices to do business with myself or 2Define Architecture.
25. I am a well known lecturer and have given teaching seminars all over the world; below I have listed some the more recent ones:

"LA NATURALEZA CONTRA EDIFICIOS SÚPER-ALTOS,"

Leading Architects Forum -Costa Rica June 2011

" QUALITY IN SUPERTALL BUILDINGS," IQPC Tall buildings Middle East Doha Qatar June 2011

"QUALITY IN SUPERTALL BUILDINGS" -4<sup>rd</sup> Annual Ultra Tall buildings Conference - Shanghai China March 2011

"SUPER TALL BUILDINGS AND FACADE CHALLENGES " IQPC Façade Forum -Singapore IQPC April 2011

"Co-Chairman of the Conference- Façade, Design and Engineering IQPC Façade -Singapore IQPC April 2011

"MOTHER NATURE VERSE SUPER TALL BUILDINGS" Leading Architects Forum -Cyprus Oct 2010

"SUSTAINIBILITY SHANGHAI AND SUPERTALLS -Future Building Trends Summit Shanghai China May 2010

"WHY DO WE BUILD UP...THEN HOW ?" -3<sup>rd</sup> Annual Ultra Tall buildings Conference - Shanghai China March 2010

"DESIGN & CONSTRUCTION OF SUPER TALL BUILDINGS" -IQPC Façade Conference Dubai UAE Feb. 2010

"THE PERFORMANCE AESTHETIC" -Façade, Design and Engineering IQPC Façade Conference Australia – Nov. 2009

"BIG BUILDINGS SMALL IMPACT" Fall Festival– Hong Ik University - Seoul ROK May. 2009

"EVEOLUTION of the HIGHRISE " College of Architecture and Urban Planning of Tongji University + Shanghai June 2009

"CONCENTRAITION OF THE VERTICAL CITY " – Hong Ik University - Seoul ROK May 2009

"TALL BUILDINGS IN CHINA" -Council of Tall Buildings & Urban Habitat - Structural Design Council, California - May 2009

"IL PRIMO STUDIO DEL MONDO"- Il Giornale Della Architettura, Cristiana Chiorino -March 2009

"THE POWER IN DETAILS – THE SHANGHAI TOWER" A.I.K. Architect  
Institute Of Korean Seoul ROK Jan. 2009

"SHANGHAI TOWER" - Korean Super Tall Building Forum - Seoul ROK Nov.  
2008

"SIZE MATTERS" Leading Architects Forum - Fort Lauderdale June 2007

"LONG AND SHORT OF US – " Louisiana State University - Fall Lecture  
Series Sept. 2007

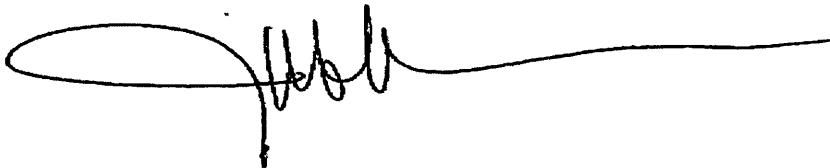
" IS THE WORLDS TALLEST BUILDING GREEN?" USGBC - Houston  
Chapter - April 2007

26. In a number of these teaching seminars I use photographs and design from existing buildings for purposes of illustrations during said seminars, which use I understand is “fair use” under the copyright laws of the United States.
27. The AIA, and all States requires minimum continuing education hours to maintain licensure, and these Teaching Seminars provide myself and others Licensed Architects with some of these required continuing education hours.
28. In ALL of these teaching seminars I give proper credit to the Architect of Record and/or the Design Architects as per AIA ethical Guidelines.
29. Because of my experience and knowledge I have been contacted to do “peer reviews” of planed building structures over 100 stories.

30. I and 2Define Architecture generated about 91% of our revenue in China, and 8% of our revenue in Korea, and 1% from Malaysia. To date we have none of our revenue in the United States, and therefore none in New York State. Our Chicago office is a production office that supports work in Asia.
31. I have Architectural licenses in the States of Illinois, Texas, California and New York but have not entered into any contracts using such licenses.
32. As to our web site [www.define-arch.com](http://www.define-arch.com) it is not possible to purchase goods or services from terms on said site; anyone accessing said web site has to contact one of our offices to purchase goods or services.

I declare under penalty of perjury under the laws of the UNITED STATES that forgoing facts are true and correct.

Executed this 30<sup>th</sup> day of August 2011 in the City of Shanghai, China,

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by 'M Strabala' and a long horizontal flourish extending to the right.

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**J. Marshall Strabala** - AIA LEED AFAAR  
2DEFINE Architecture - Design Partner  
licenced Architect - Illinois-California-Texas-NewYork

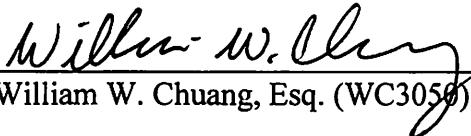
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SKIDMORE, OWINGS & MERRILL LLP,	:	
	:	
Plaintiff,	:	
	:	No. 11-cv-3906 (MGC)
v.	:	
	:	
JAY MARSHALL STRABALA,	:	
individually and d/b/a 2DEFINE	:	(By Special Appearance)
ARCHITECTURE,	:	
	:	
Defendant.	:	
	:	
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AFFIRMATION OF SERVICE

The undersigned served the within NOTICE OF MOTION with all exhibits and pleadings thereto, by First Class Mail to Marcia B. Paul of Davis Wright Tremaine LLP, counsel for Plaintiff Skidmore, Owings & Merrill LLP, at 1633 Broadway, New York, NY 10013-6708.

Dated: September 9, 2011  
New York, NY

  
William W. Chuang, Esq. (WC3056)

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New York, NY 10013  
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Email: william@jclawllp.com