

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THE HONORABLE OTTO J. REICH and,
OTTO REICH ASSOCIATES, LLC,

Plaintiffs,

v.

LEOPOLDO ALEJANDRO BETANCOURT
LOPEZ, PEDRO JOSE TREBBAU LOPEZ,
and FRANCISCO D'AGOSTINO CASADO,

Defendants.

No. 13 CV 5307 (JPO)
ECF CASE

Defendants' Public Filing

~~FILED UNDER SEAL~~

**DECLARATION OF MARK W. SMITH, ESQ., WITH EXHIBITS IN SUPPORT OF
PLAINTIFFS' SURREPLY MEMORANDUM OF LAW**

I, MARK W. SMITH, declare under the penalties of perjury under the laws of the United States of America that the below is true and correct:

1. I am an attorney duly admitted to practice before the courts of the State of New York and this Court, and a member of the law firm of Smith Valliere PLLC, attorneys for Plaintiffs the Honorable Otto J. Reich and Otto Reich Associates, LLC (together, "Plaintiffs") in the above-referenced action.

2. Plaintiffs' Motion for Leave to File A Surreply Memorandum of Law and Related Materials was granted by the Court on February 2, 2015. I make this declaration in support of Plaintiffs' Surreply in further opposition to the Renewed Motions of Leopoldo Alejandro Betancourt Lopez ("Betancourt") and Pedro Jose Trebbau Lopez ("Trebbau") To Dismiss For Lack Of Personal Jurisdiction Pursuant To Rule 12(b)(2) (the "Motions").

3. Plaintiffs felt compelled to seek leave to file a surreply memorandum because Defendants Betancourt and Trebbau made several material misrepresentations to the Court in

their respective reply memoranda of law in support of their Motions, which Plaintiffs address in their surreply.

4. Attached hereto as Exhibit 1 is the Surreply Memorandum of Law that Plaintiffs attached to their motion seeking leave to file a surreply with the Court.

5. Attached hereto as Exhibit 2 is a true and correct copy of the Affidavit of Service previously submitted to this Court (Exhibit 48 to the Declaration of Mark W. Smith, Esq., sworn to January 15, 2015).

6. Attached hereto as Exhibit 3 is a true and correct copy of email correspondence dated May 1, 2013 and May 2, 2013, between Javier de la Garza and [REDACTED] with a corresponding Spanish to English translation. This document was produced by De La Garza Architecture LLC.

7. Attached hereto as Exhibit 4 is a true and correct copy of email correspondence dated June 4, 2013, between Scot Cohen and Gabriela Trebbau. This document was produced by Defendant Betancourt.

8. Attached hereto as Exhibit 5 is a true and correct copy of email correspondence dated July 28, 2013, between Javier de la Garza and [REDACTED] with a corresponding Spanish to English translation. This document was produced by De La Garza Architecture LLC.

9. Attached hereto as Exhibit 6 is a true and correct copy of email correspondence dated July 22, 2013 and July 30, 2013, between Jess Kane and Alejandro Betancourt Lopez. This document was produced by Defendant Betancourt.

10. Attached hereto as Exhibit 7 are true and correct copies of articles titled: *US-Venezuela Tensions Escalate Over Human Rights, VP Biden*, published by The New York Times on February 2, 2015 (available at <http://www.nytimes.com/aponline/2015/02/02/us/politics/ap->

us-united-states-venezuela.html?_r=0); and *US says Joe Biden is not plotting to overthrow Venezuela's President*, published by The Guardian on February 2, 2015 (available at <http://www.theguardian.com/us-news/2015/feb/02/joe-biden-not-plotting-overthrow-venezuela-president>).

11. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
February 3, 2015



MARK W. SMITH

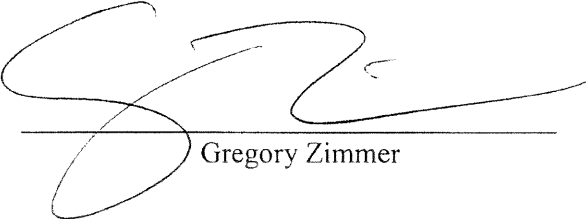
CERTIFICATE OF SERVICE

I hereby certify this 3rd day of February, 2015, that I caused a true and correct copy of the foregoing document to be served via electronic mail on the following attorneys of record:

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