

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.,
IN SUPPORT OF PLAINTIFFS' MOTION FOR LEAVE TO FILE
A SURREPLY MEMORANDUM OF LAW AND RELATED MATERIALS**

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. I make this declaration in support of the motion by Plaintiffs for leave to file a surreply memorandum of law with related materials in 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 feel compelled to seek leave to file a surreply memorandum because Defendants Betancourt and Trebbau have made several material misrepresentations to the Court in their respective reply memoranda of law in support of their Motions, which Plaintiffs now seek to address.

4. Attached hereto as Exhibit 1 is the Surreply Memorandum of Law that Plaintiffs seek leave to file 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.

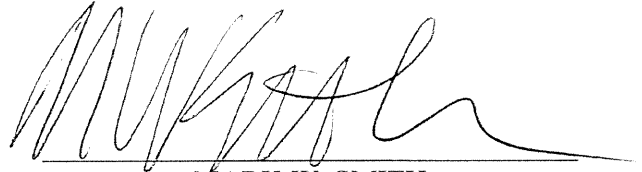
7. Attached hereto as Exhibit 4 is a true and correct copy of email correspondence dated June 4, 2013, between Scot Cohen and Gabriela Trebbau. This document was produced by Defendant Betancourt.

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. 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
January 29, 2015.



MARK W. SMITH

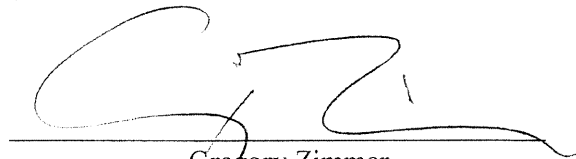
CERTIFICATE OF SERVICE

I hereby certify this 30th day of January, 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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