SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ERIC SPECTOR,	:	Mot. Seq. Nos. 2 & 3
Plaintiff,	:	Index No. 150234/2026
- against -	:	
ROBERT LEFKOWITZ, JOHN DOE, and JANE DOE,	:	
Defendants.	:	

DEFENDANTS REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT LEFKOWITZ'S MOTION TO DISMISS AND OPPOSITION TO CROSS-MOTION

Even after amending his complaint (NYSCEF Doc. No. 39), this is still a SLAPP-suit and the motion to dismiss (Mot. Seq. No. 2) should be allowed.[1] As for Plaintiff's cross-motion (Mot. Seq. No. 3, NYSCEF Doc. No. 40), it serves no purpose and should be denied; it only seeks 1) denial of the motion (and fee request), 2) leave to amend, though leave was not required under CPLR 3025(a), and 3) generic "other and further relief" for which Plaintiff makes no actual argument.[2] Thus, the motion to dismiss should be allowed and the cross-motion should be denied.

1.0 The Speech was on a Matter of Public Interest

Spector claims the statements allegedly made by Lefkowitz do not fall within the purview of the anti-SLAPP law as he claims they are purely on a matter of private concern. In the motion,

[1] Because it did not substantively alter the existing causes of action, the original motion to dismiss (Mot. Seq. No. 2) remains open to dismiss the entire action, even though the amended complaint is now the operative complaint. *See Aetna Life Ins. Co. v. Appalachian Asset Mgmt. Corp*., 110 A.D.3d 32, 39 (1st Dept. 2013). Specifically, this application of the prior-filed motion includes anti-SLAPP motions. *See Zaiger LLC v. Bucher Law PLLC*, 238 A.D.3d 687, 687-88 (1st Dept. 2025). Defendant's counsel communicated this by letter to counsel for Plaintiff. *See* **Exhibit 1**. Plaintiff's unsigned opposition to Mot. Seq. No. 2 (NYSCEF Doc. No. 41) refers solely to the allegations in the Amended Complaint. Thus, it appears that Plaintiff agrees that the original motion remains operative.

[2] Notably, Plaintiff makes no argument in his cross-motion in support of leave to amend or "other and further relief."

Lefkowitz asserted that the public interest included the identity of the operator of the "Murray Hill Guy" account, as well as allegations of sexual predation. Spector does not deny these are matters of public interest and concern. Instead, he deflects by referring to alleged private motivation and other private communications that are not the subject of the claims. (Opp. at 11 & 15). *Compare Nagle v. Marron*, 663 F.3d 100, 107 (2d Cir. 2011) ("[T]he primary question for First Amendment purposes is whether the matter is of public concern, not whether the speech was also made to serve some private interest."). Every speaker is motivated by some private interest—journalists write for a paycheck, politicians seek donations and election; Lefkowitz's personal motives have nothing to do with whether the speech itself is in the public interest and Spector offers no argument about the speech itself.

Plaintiff attempts to call the accusations mere "gossip and prurient interest" (Opp. at 16), but identifies nothing to suggest public accusations of sexual predation are akin to gossip. And, while Plaintiff claims he is merely a private figure (*id.*), his participation in the public "MurrayHillGuy" persona and putting himself out there as the "Goonboss" encouraging others to engage in predatory activity is far from what it means to be a private person. Spector actively chased notoriety, and he got some – but not the kind he wanted.

Even the alleged private warning about identifying (doxxing) and taunting Lefkowitz, which are only addressed in the IIED claim (Amd. Comp. at ¶ 76(a) & (g)) was directed to the public interests raised. And, to the extent they were not, such is the sole aspect of the case that should be dismissed only CPLR 3211(a)(7) instead of both CPLR 3211(a)(7) & (g).

2.0 Plaintiff Failed to Demonstrate Actual Malice

None of Plaintiff's arguments suggest Lefkowitz made the alleged statements with knowing falsity or in reckless disregard of the truth, which Plaintiff agrees is required. (Opp. at 12). The closest Plaintiff comes is arguing that Lefkowitz's "claimed belief in the truth of the

statements" is called "into question" by virtue of other, independent action, including Plaintiff running the Marvin/@goonboss_ account, in addition to Lefkowitz's own alleged participation in the "MurrayHillGuy" account. (Opp. at 14). This does not demonstrate falsity, let alone knowing falsity or reckless disregard, as to Spector's role in the "MurrayHillGuy" account or the accusations of sexual predation.

The rest is not even circumstantial evidence, let alone sufficient to establish actual malice. Disliking the other person is not actual malice.[3] *Balliet v. Kottamasu*, 76 Misc. 3d 906, 914 n. 16 (Kings Cty Civ. Aug. 9, 2022) citing *Sheindlin v. Brady*, 597 F. Supp. 3d 607, 628 (S.D.N.Y. 2022). Rather, there must be other circumstantial evidence. *See id.* Allegedly working with others does not inform questions of knowing falsity or reckless disregard. Instead, Plaintiff invents a new legal requirement, that Lefkowitz should have privately confronted Plaintiff about the sexually predatory tweets first, and that non-compliance with this newly-invented requirement is evidence that Lefkowitz did not believe Plaintiff to be predatory. (Opp. at 15). Simply put, there is neither direct nor circumstantial evidence of actual malice.

3.0 Plaintiff's Defamation Claims are Meritless

The defamation claims fail for several reasons. First, even assuming arguendo that any of the statements were statements of actual fact, and not opinion, they would be substantially true. Spector encourages getting women drunk in order to take sexual advantage of them. (NYSCEF Doc. Nos. 26; 15 at ¶ 7). That *is what a rapist is.* Spector encouraged his readers to masturbate outside an ex's window or on to an aunt's foot. *Res ipsa loquitur* – if Spector is not an actual "rapist," to call him anything less would be to simply refer to him in a polite euphemism. *Compare Carroll v. Trump*, 683 F. Supp. 3d 302, 333-34 (S.D.N.Y. 2023) (using the term "rape" to include

[3] The breakdown of the relationship and the alleged taunting (Opp. at 13 & 15) arguably suggest ill-will. The organization of the opposition does not affect the legal question.

sexual predation that did not necessarily meet the Penal Law's definition of "rape"). Moreover, since no specific rapes (within the meaning of the Penal Law) are alleged, it is not actually defamatory *per se* as no specific crime is alleged.[4] *Contrast Duncan v. Dick Blick Holdings, Inc.,* 2026 NY Slip Op 50082(U), 5, 88 Misc. 3d 1212(A), 248 N.Y.S.3d 455 (N.Y. Sup. Ct. Jan. 21, 2026) (finding a claim of harassing and stalking not to be "vague and loose" where specific instances of criminal stalking were alleged).

To whatever extent there may be a shadow outside of this truth defense to illuminate, it has been done. But to try and darken it, Plaintiff misapplies the cases he cites. In *Gottwald v. Sebert*, 193 A.D.3d 573, 581 (1st Dep't 2021), the defendant accused of the plaintiff of raping *her*, *i.e.* having sex with her without her consent. The same holds for *Watson v. NY Dep't of Educ*., 439 F. Supp. 3d 152, 163 (S.D.N.Y. 2020) and *Goldman v. Reddington*, 417 F. Supp. 3d 163, 174 (E.D.N.Y. 2019). In contrast, the alleged statements at issue aren't about a specific rape, they are about Plaintiff's character as a sexual predator, which is classic opinion, given in the rhetorically hyperbolic style X/Twitter is known for. Plaintiff asserts the statements were "not nebulous or impressionistic" (NYSCEF Doc. No. 41 at 25) while ignoring the very platform on which the alleged statements were made, citing cases for platforms very different from X/Twitter. *Contrast Silvercorp Metals Inc. v. Anthion Mgmt. LLC*, 2012 NY Slip Op 51569(U), 3, 36 Misc. 3d 1231(A), 1231A, 959 N.Y.S.2d 92 (N.Y. Sup. Ct. Aug. 16, 2012) (posting on chinastockwatch.com); *Sandals Resorts Int'l Ltd. v. Google, Inc*., 86 A.D.3d 32, 41-42, 925 N.Y.S.2d 407, 414-15 (1st Dept. 2011) (e-mail deemed rhetoric); *Brian v. Richardson*, 87 N.Y.2d 46, 53-54, 637 N.Y.S.2d 347, 352 (1995)(NY Times Op-Ed deemed opinion). Plaintiff concedes that context matters (*see* NYSCEF Doc. Nos. 28-29) then ignores the context of the X/Twitter platform. That the statements

[4] Nor is it defamatory *per se* to make a post under Plaintiff's employer's post—it did not denigrate Plaintiff in his profession, *i.e.* the work performed.

could have been made more wishy-washy (*see id.* at 26) does not make them any less opinion or rhetorical hyperbole.

The identity of the speaker is also important in determining whether a statement is actionable. *Compare Franklin v. Dynamic Details, Inc*., 116 Cal. App. 4th 375, 389, 10 Cal. Rptr. 3d 429, 439-40 (2004) (finding it significant that the author did not purport to be a lawyer stating opinions in legal verbiage). Here, there is nothing to suggest that anything posted by the "MurrayHillGuy" or other pseudonymous accounts were viewed by the public as being sources of factual legal analysis. Relatedly, the "predictable opinion" doctrine asks "whether the statements were made by participants in an adversarial setting" in which "the audience may anticipate efforts by the parties to persuade others to their positions by use of epithets, fiery rhetoric or hyperbole"; in such circumstances, "language which generally might be considered as statements of fact may well assume the character of statements of opinion." *Dickinson v. Cosby*, 17 Cal. App. 5th 655, 686-87, 225 Cal. Rptr. 3d 430, 458 (2017); *see also Herring Networks, Inc. v. Maddow*, 445 F. Supp. 3d 1042, 1053 (S.D. Cal. 2020) (finding that "[f]or [MSNBC host Rachel Maddow] to exaggerate the facts and call OAN Russian propaganda was consistent with her tone up to that point, and the Court finds a reasonable viewer would not take the statement as factual given this context"); *McDougal v. Fox News Network, LLC*, 489 F. Supp. 3d 174, 182 (S.D.N.Y. 2020)("accusations of 'extortion,' 'blackmail,' and related crimes, such as the statements [Tucker] Carlson made here, are often construed as merely rhetorical hyperbole when they are not accompanied by additional specifics of the actions purportedly constituting the crime.").

Spector advocates for men who follow him to rape their dates. (NYSCEF Doc. No. 26). While suggesting the action of masturbating outside of one's ex's window is not "rape" *per se*, it sure is "rapey." And unsolicited masturbating on your aunt's foot? Let's just say "ew" and move on.

As to alleged statements that Plaintiff operated "MurrayHillGuy", that isn't even capable of a defamatory meaning. The Goonboss account, where Spector advocated for rape and sexual deviancy, being falsely accused of being affiliated with *that* account would most likely be defamatory. But to be associated with "MurrayHillGuy?" What's wrong with that?

And again, we have truth. The evidence shows (*see, e.g.,* NYSCEF Doc. No. 36 at 5, & 7 and NYSCEF Doc. No. 39 at 58, 103, 119, & 138) that Plaintiff participated in drafting X/Twitter posts for the account, thus it is not a false statement. Even if that does not rise to the level of "operating" the account, Plaintiff fails to show that it is defamatory. Plaintiff offered nothing to show that being known as the operator of "MurrayHillGuy" is a negative. In fact, he should be so lucky. And he agrees, as he has tried to claim that he is behind the account – at least when it would give him caché when trying to pick up girls. (NYSCEF Doc. No. 15 at ¶¶ 14-15). A statement that is false, but laudatory, is not actionable. *Compare Herink v. Harper & Row Publishers, Inc.*, 607 F. Supp. 657, 660 (S.D.N.Y. 1985) (no defamation claim where "[i]t is far from clear that the profile read as a whole is other than laudatory, or that it contains any actionable innuendo of the sort which would tend to degrade or prejudice the plaintiff in the eyes of the community.").

Additionally, although Mr. Lefkowitz acknowledges Plaintiff's argument that one might face liability in defamation for repeating a defamatory statement (NYSCEF Doc. No. 41 at 30-31 and cases cited), Plaintiff misses the mark. As noted in Mr. Lefkowitz's original argument (NYSCEF Doc. No. 12 at 19 n. 20), federal law prohibits any liability for purported ratification or amplification based on a retweet, per Section 230 of the Communications Decency Act, 47 U.S.C. § 230. Plaintiff's opposition makes no mention of this statute and, therefore, implicitly concedes the point. *See Patel v Am. Univ. of Antigua*, 104 AD3d 568, 569, 962 N.Y.S.2d 107 (1st Dept 2013) (arguments not made in opposition to motion to dismiss are waived).

As to the level of fault, Plaintiff once again argues the lack of actual malice (Opp. at 19), but nothing here changes. That Plaintiff operates one account (Goonboss) does not preclude being a person who might run another.

On the defamation *per quod* claim, Plaintiff again, even with the Amended Complaint, fails to properly allege special harm. He may have lost his job, but he offers nothing to suggest it is tied to any statement allegedly made by Lefkowitz. It is a logical fallacy to say that the statement(s) caused the job loss just because of a chronological sequence. *See, e.g., Goldberg v. Rizk,* 2026 NY Slip Op 31568(U), 29 (N.Y. Sup. Ct. Apr. 15, 2026) (rejecting a conclusory "*post hoc, ergo propter hoc*" causation theory). Perhaps his employer found out about "Goonboss?" After all, despite the extremely high tolerance for free speech at the undersigned's firm, if one of its employees was publicly advocating for sexually assaulting drunk women or masturbating outside of their ex-girlfriend's window, they might not work there anymore either. Or perhaps given that Spector is the kind of person who advocated for masturbating onto an aunt's foot, he just might have given off vibes at work that were less than conducive to a sexual harassment free workplace. Maybe he just wasn't good at his job. Maybe the boss didn't like his appearance. These theories all have the same amount of support as "I got fired because of a MurrayHillGuy tweet that was up for 30 minutes."

And, finally, as Plaintiff does not claim he was accused of committing a specific crime, but rather just generally being of the ilk of a sexual predator or rapist, it is not defamation *per se*. In sum, Plaintiff has failed to demonstrate a substantial basis in law for his defamation claims.

4.0 The IIED Claim Falls Flat

Plaintiff points to nothing that constitutes extreme or outrageous conduct. Calling someone your "enemy" is just mean name-calling. Saying someone would "face a dox" is a purportedly scary way of noting there is no obligation to maintain information as confidential in the absence

of a legal obligation. As to the statements regarding Plaintiff being sexually predatory—it is substantially true based on his own posts. All of the allegations otherwise relate to mere bickering. And while he claims it is more than just being duplicative of the defamation claims, a direct comparison shows they are claiming the same injury for the same actions (the alleged statements). Nor is there any evidence of intent to cause harm—again, it just shows bickering between two former friends. Finally, there is a lack of causation—at no point is there any direct connection between the job loss and other claimed injuries and Mr. Lefkowitz's alleged statements. Plaintiff's mere speculation fails to state a claim.

5.0 The Negligence Claims Fail

With respect to Plaintiff's claims for negligence and negligent infliction of emotional distress, neither claim can proceed. First, as to both claims, there is no "legally recognized duty to the plaintiff." *Ferreira v. City of Binghamton*, 38 NY3d 298, 308 (2022) (cleaned up). Plaintiff argues that the duty was "to refrain from posting defamatory [sic] and falsehoods about the Plaintiff." (NYSCEF Doc. No. 41 at 31). If that is the sole duty for Counts VII & IX, they "must be dismissed as duplicative of the defamation claims[.]" *A.R.P. v. City of N.Y.*, 88 Misc. 3d 1217(A), 248 N.Y.S.3d 854 (N.Y. Sup. Ct. Feb. 4, 2026)(citing *Reeves v Associated Newspapers, Ltd*., 232 AD3d 10, 15, 218 N.Y.S.3d 19 (1st Dept 2024). Second, again, Mr. Lefkowitz's allegedly mean tweets were neither extreme nor outrageous to support an NIED claim.[5] Thus, the negligence-based claims must be dismissed.

6.0 Anti-SLAPP Fees Should be Awarded

In his final argument, Plaintiff seeks a denial of attorneys' fees under Civil Rights Law § 70-a(1)(a) (NYSCEF Doc No. 40 at 31-32). The argument says nothing new, only that since Plaintiff believes Mr. Lefkowitz should not prevail in his Anti-SLAPP motion, fees should not be

[5] Plaintiff makes no other argument directed solely at the claim for negligence in Count VII.

awarded. There is no dispute that, if Mr. Lefkowitz does so prevail, fees are not mandatory. Thus, as Mr. Lefkowitz's motion should be allowed, fees must be awarded.

7.0 Conclusion

Plaintiff wanted to obtain individual, personal notoriety on X/Twitter for being the sexually-creepy "Goonboss." He got what he wanted and suing his former friend, Mr. Lefkowitz, in a SLAPP suit only shows Plaintiff's true colors. Like the "Goonboss" character Plaintiff created, he is an abuser, this time of the judiciary for his drawn-out personal pleasure. The Court should not participate in Plaintiff's fetish. The matter should be dismissed under CPLR 3211(a)(7) and (g) and fees should be awarded.

Dated: May 11, 2026.

/s/ Jay M. Wolman

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Attorneys for Defendant

SUPREME COURT OF THE STATE OF NEW YORK
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- against -	:	
ROBERT LEFKOWITZ, JOHN DOE, and JANE DOE,	:	
Defendants.	:	

AFFIRMATION OF JAY M. WOLMAN IN SUPPORT OF DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS AND OPPOSITION TO CROSS-MOTION

STATE OF CONNECTICUT)
) ss:
COUNTY OF HARTFORD)

I, JAY M. WOLMAN, an attorney admitted in the courts of the State of New York, not a party to this action, affirms the following to be true under the penalties of perjury per CPLR 2106:

1. I am an attorney with Randazza Legal Group, PLLC, located at 353 Ocean Avenue, Suite 4E, Brooklyn, NY 11226, counsel for Defendant Robert Lefkowitz in this action. I submit this affirmation in support of Defendant Robert Lefkowitz's Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss and Opposition to Cross-Motion (the "Reply").

2. Even after amending his complaint (NYSCEF Doc. No. 39), this is still a SLAPP-suit and the motion to dismiss (Mot. Seq. No. 2) should be allowed.[1] As for Plaintiff's cross-motion

[1] Because it did not substantively alter the existing causes of action, the original motion to dismiss (Mot. Seq. No. 2) remains open to dismiss the entire action, even though the amended complaint is now the operative complaint. *See Aetna Life Ins. Co. v. Appalachian Asset Mgmt. Corp*., 110 A.D.3d 32, 39 (1st Dept. 2013). Specifically, this application of the prior-filed motion includes anti-SLAPP motions. *See Zaiger LLC v. Bucher Law PLLC*, 238 A.D.3d 687, 687-88 (1st Dept. 2025). Defendant's counsel communicated this by letter to counsel for Plaintiff. A true and correct copy of the April 21, 2026, Letter is attached to the Reply as **Exhibit 1**.

(Mot. Seq. No. 3, NYSCEF Doc. No. 40), it serves no purpose and should be denied; it only seeks 1) denial of the motion (and fee request), 2) leave to amend, though leave was not required under CPLR 3025(a), and 3) generic "other and further relief" for which Plaintiff makes no actual argument.[2] Thus, the motion to dismiss should be allowed and the cross-motion should be denied.

1.0 The Speech was on a Matter of Public Interest

3. Spector claims the statements allegedly made by Lefkowitz do not fall within the purview of the anti-SLAPP law as he claims they are purely on a matter of private concern. In the motion, Lefkowitz asserted that the public interest included the identity of the operator of the "Murray Hill Guy" account, as well as allegations of sexual predation. Spector does not deny these are matters of public interest and concern. Instead, he deflects by referring to alleged private motivation and other private communications that are not the subject of the claims. (Opp. at 11 & 15). *Compare Nagle v. Marron*, 663 F.3d 100, 107 (2d Cir. 2011) ("[T]he primary question for First Amendment purposes is whether the matter is of public concern, not whether the speech was also made to serve some private interest."). Every speaker is motivated by some private interest—journalists write for a paycheck, politicians seek donations and election; Lefkowitz's personal motives have nothing to do with whether the speech itself is in the public interest and Spector offers no argument about the speech itself.

4. Plaintiff attempts to call the accusations mere "gossip and prurient interest" (Opp. at 16), but he identifies nothing to suggest public accusations of sexual predation are akin to gossip. And, while Plaintiff claims he is merely a private figure (*id.*), his participation in the public

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"MurrayHillGuy" persona and putting himself out there as the "Goonboss" encouraging others to engage in predatory activity is far from what it means to be a private person. Spector actively chased notoriety, and he got some – but not the kind he wanted.

5. Even the alleged private warning about identifying (doxxing) and taunting Lefkowitz, which are only addressed in the IIED claim (Amd. Comp. at ¶ 76(a) & (g)) was directed to the public interests raised. And, to the extent they were not, such is the sole aspect of the case that should be dismissed only CPLR 3211(a)(7) instead of both CPLR 3211(a)(7) & (g).

2.0 Plaintiff Failed to Demonstrate Actual Malice

6. None of Plaintiff's arguments suggest Lefkowitz made the alleged statements with knowing falsity or in reckless disregard of the truth, which Plaintiff agrees is required. (Opp. at 12). The closest Plaintiff comes is arguing that Lefkowitz's "claimed belief in the truth of the statements" is called "into question" by virtue of other, independent action, including Plaintiff running the Marvin/@goonboss_ account, in addition to Lefkowitz's own alleged participation in the "MurrayHillGuy" account. (Opp. at 14). This does not demonstrate falsity, let alone knowing falsity or reckless disregard, as to Spector's role in the "MurrayHillGuy" account or the accusations of sexual predation.

7. The rest is not even circumstantial evidence, let alone sufficient to establish actual malice. Disliking the other person is not actual malice.[3] *Balliet v. Kottamasu*, 76 Misc. 3d 906, 914 n. 16 (Kings Cty Civ. Aug. 9, 2022) citing *Sheindlin v. Brady*, 597 F. Supp. 3d 607, 628 (S.D.N.Y. 2022). Rather, there must be other circumstantial evidence. *See id.* Allegedly working with others does not inform questions of knowing falsity or reckless disregard. Instead, Plaintiff

[3] The breakdown of the relationship and the alleged taunting (Opp. at 13 & 15) arguably suggest ill-will. The organization of the opposition does not affect the legal question.

invents a new legal requirement, that Lefkowitz should have privately confronted Plaintiff about the sexually predatory tweets first, and that non-compliance with this newly-invented requirement is evidence that Lefkowitz did not believe Plaintiff to be predatory. (Opp. at 15). Simply put, there is neither direct nor circumstantial evidence of actual malice.

3.0 Plaintiff's Defamation Claims are Meritless

8. The defamation claims fail for several reasons. First, even assuming arguendo that any of the statements were statements of actual fact, and not opinion, they would be substantially true. Upon information and belief, Spector encourages getting women drunk in order to take sexual advantage of them. (NYSCEF Doc. Nos. 26; 15 at ¶ 7). That *is what a rapist is*. Upon information and belief, Spector encouraged his readers to masturbate outside an ex's window or on to an aunt's foot. *Res ipsa loquitur* – if Spector is not an actual "rapist," to call him anything less would be to simply refer to him in a polite euphemism. *Compare Carroll v. Trump*, 683 F. Supp. 3d 302, 333-34 (S.D.N.Y. 2023) (using the term "rape" to include sexual predation that did not necessarily meet the Penal Law's definition of "rape"). Moreover, since no specific rapes (within the meaning of the Penal Law) are alleged, it is not actually defamatory *per se* as no specific crime is alleged.[4] *Contrast Duncan v. Dick Blick Holdings, Inc.,* 2026 NY Slip Op 50082(U), 5, 88 Misc. 3d 1212(A), 248 N.Y.S.3d 455 (N.Y. Sup. Ct. Jan. 21, 2026) (finding a claim of harassing and stalking not to be "vague and loose" where specific instances of criminal stalking were alleged).

9. To whatever extent there may be a shadow outside of this truth defense to illuminate, it has been done. But to try and darken it, Plaintiff misapplies the cases he cites. In *Gottwald v. Sebert*, 193 A.D.3d 573, 581 (1st Dep't 2021), the defendant accused of the plaintiff

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of raping *her*, *i.e.* having sex with her without her consent. The same holds for *Watson v. NY Dep't of Educ*., 439 F. Supp. 3d 152, 163 (S.D.N.Y. 2020) and *Goldman v. Reddington*, 417 F. Supp. 3d 163, 174 (E.D.N.Y. 2019). In contrast, the alleged statements at issue aren't about a specific rape, they are about Plaintiff's character as a sexual predator, which is classic opinion, given in the rhetorically hyperbolic style X/Twitter is known for. Plaintiff asserts the statements were "not nebulous or impressionistic" (NYSCEF Doc. No. 41 at 25) while ignoring the very platform on which the alleged statements were made, citing cases for platforms very different from X/Twitter. *Contrast Silvercorp Metals Inc. v. Anthion Mgmt. LLC*, 2012 NY Slip Op 51569(U), 3, 36 Misc. 3d 1231(A), 1231A, 959 N.Y.S.2d 92 (N.Y. Sup. Ct. Aug. 16, 2012) (posting on chinastockwatch.com); *Sandals Resorts Int'l Ltd. v. Google, Inc*., 86 A.D.3d 32, 41-42, 925 N.Y.S.2d 407, 414-15 (1st Dept. 2011) (e-mail deemed rhetoric); *Brian v. Richardson*, 87 N.Y.2d 46, 53-54, 637 N.Y.S.2d 347, 352 (1995)(NY Times Op-Ed deemed opinion). Plaintiff concedes that context matters (*see* NYSCEF Doc. Nos. 28-29) then ignores the context of the X/Twitter platform. That the statements could have been made more wishy-washy (*see id.* at 26) does not make them any less opinion or rhetorical hyperbole.

10. The identity of the speaker is also important in determining whether a statement is actionable. *Compare Franklin v. Dynamic Details, Inc*., 116 Cal. App. 4th 375, 389, 10 Cal. Rptr. 3d 429, 439-40 (2004) (finding it significant that the author did not purport to be a lawyer stating opinions in legal verbiage). Here, there is nothing to suggest that anything posted by the "MurrayHillGuy" or other pseudonymous accounts were viewed by the public as being sources of factual legal analysis. Relatedly, the "predictable opinion" doctrine asks "whether the statements were made by participants in an adversarial setting" in which "the audience may anticipate efforts by the parties to persuade others to their positions by use of epithets, fiery rhetoric or hyperbole";

in such circumstances, "language which generally might be considered as statements of fact may well assume the character of statements of opinion." *Dickinson v. Cosby*, 17 Cal. App. 5th 655, 686-87, 225 Cal. Rptr. 3d 430, 458 (2017); *see also Herring Networks, Inc. v. Maddow*, 445 F. Supp. 3d 1042, 1053 (S.D. Cal. 2020) (finding that "[f]or [MSNBC host Rachel Maddow] to exaggerate the facts and call OAN Russian propaganda was consistent with her tone up to that point, and the Court finds a reasonable viewer would not take the statement as factual given this context"); *McDougal v. Fox News Network, LLC*, 489 F. Supp. 3d 174, 182 (S.D.N.Y. 2020)("accusations of 'extortion,' 'blackmail,' and related crimes, such as the statements [Tucker] Carlson made here, are often construed as merely rhetorical hyperbole when they are not accompanied by additional specifics of the actions purportedly constituting the crime.").

11. Upon information and belief, Spector advocates for men who follow him to rape their dates. (NYSCEF Doc. No. 26). While suggesting the action of masturbating outside of one's ex's window is not "rape" *per se*, it sure is "rapey." And unsolicited masturbating on your aunt's foot can be similarly characterized.

12. As to alleged statements that Plaintiff operated "MurrayHillGuy", that isn't even capable of a defamatory meaning. The Goonboss account, where, upon information and belief, Spector advocated for rape and sexual deviancy,being falsely accused of being affiliated with *that* account would most likely be defamatory. But to be associated with "MurrayHillGuy?" What's wrong with that?

13. And again, we have truth. Upon information and belief, the evidence shows (*see, e.g.,* NYSCEF Doc. No. 36 at 5, & 7 and NYSCEF Doc. No. 39 at 58, 103, 119, & 138) that Plaintiff participated in drafting X/Twitter posts for the account, thus it is not a false statement. Even if that does not rise to the level of "operating" the account, Plaintiff fails to show that it is

defamatory. Plaintiff offered nothing to show that being known as the operator of "MurrayHillGuy" is a negative. And he agrees, as he has, upon information and belief, tried to claim that he is behind the account – at least when it would give him caché when trying to pick up girls. (NYSCEF Doc. No. 15 at ¶¶ 14-15). A statement that is false, but laudatory, is not actionable. *Compare Herink v. Harper & Row Publishers, Inc.*, 607 F. Supp. 657, 660 (S.D.N.Y. 1985) (no defamation claim where "[i]t is far from clear that the profile read as a whole is other than laudatory, or that it contains any actionable innuendo of the sort which would tend to degrade or prejudice the plaintiff in the eyes of the community.").

14. Additionally, although Mr. Lefkowitz acknowledges Plaintiff's argument that one might face liability in defamation for repeating a defamatory statement (NYSCEF Doc. No. 41 at 30-31 and cases cited), Plaintiff misses the mark. As noted in Mr. Lefkowitz's original argument (NYSCEF Doc. No. 12 at 19 n. 20), federal law prohibits any liability for purported ratification or amplification based on a retweet, per Section 230 of the Communications Decency Act, 47 U.S.C. § 230. Plaintiff's opposition makes no mention of this statute and, therefore, implicitly concedes the point. *See Patel v Am. Univ. of Antigua*, 104 AD3d 568, 569, 962 N.Y.S.2d 107 (1st Dept 2013) (arguments not made in opposition to motion to dismiss are waived).

15. As to the level of fault, Plaintiff once again argues the lack of actual malice (Opp. at 19), but nothing here changes. That Plaintiff may operate one account (Goonboss) does not preclude being a person who might run another.

16. On the defamation *per quod* claim, Plaintiff again, even with the Amended Complaint, fails to properly allege special harm. He may have lost his job, but he offers nothing to suggest it is tied to any statement allegedly made by Lefkowitz. It is a logical fallacy to say that the statement(s) caused the job loss just because of a chronological sequence. *See, e.g., Goldberg*

v. Rizk, 2026 NY Slip Op 31568(U), 29 (N.Y. Sup. Ct. Apr. 15, 2026) (rejecting a conclusory "*post hoc, ergo propter hoc*" causation theory). Perhaps his employer found out about "Goonboss?" After all, despite the extremely high tolerance for free speech at the undersigned's firm, if one of its employees was publicly advocating for sexually assaulting drunk women or masturbating outside of their ex-girlfriend's window, they might not work there anymore either. Or perhaps given that Spector is, upon information and belief, the kind of person who advocated for masturbating onto an aunt's foot, he just might have given off vibes at work that were less than conducive to a sexual harassment free workplace. Maybe he just wasn't good at his job. Maybe the boss didn't like his appearance. These theories all have the same amount of support by Spector as "I got fired because of a MurrayHillGuy tweet that was up for 30 minutes."

17. And, finally, as Plaintiff does not claim he was accused of committing a specific crime, but rather just generally being of the ilk of a sexual predator or rapist, it is not defamation *per se*. In sum, Plaintiff has failed to demonstrate a substantial basis in law for his defamation claims.

4.0 The IIED Claim Falls Flat

18. Plaintiff points to nothing that constitutes extreme or outrageous conduct. Calling someone your "enemy" is just mean name-calling. Saying someone would "face a dox" is a purportedly scary way of noting there is no obligation to maintain information as confidential in the absence of a legal obligation. As to the statements regarding Plaintiff being sexually predatory—it is substantially true based on his own posts. All of the allegations otherwise relate to mere bickering. And while he claims it is more than just being duplicative of the defamation claims, a direct comparison shows they are claiming the same injury for the same actions (the alleged statements). Nor is there any evidence of intent to cause harm—again, it just shows bickering between two former friends. Finally, there is a lack of causation—at no point is there

any direct connection between the job loss and other claimed injuries and Mr. Lefkowitz's alleged statements. Plaintiff's mere speculation fails to state a claim.

5.0 The Negligence Claims Fail

19. With respect to Plaintiff's claims for negligence and negligent infliction of emotional distress, neither claim can proceed. First, as to both claims, there is no "legally recognized duty to the plaintiff." *Ferreira v. City of Binghamton*, 38 NY3d 298, 308 (2022) (cleaned up). Plaintiff argues that the duty was "to refrain from posting defamatory [sic] and falsehoods about the Plaintiff." (NYSCEF Doc. No. 41 at 31). If that is the sole duty for Counts VII & IX, they "must be dismissed as duplicative of the defamation claims[.]" *A.R.P. v. City of N.Y.*, 88 Misc. 3d 1217(A), 248 N.Y.S.3d 854 (N.Y. Sup. Ct. Feb. 4, 2026)(citing *Reeves v Associated Newspapers, Ltd*., 232 AD3d 10, 15, 218 N.Y.S.3d 19 (1st Dept 2024). Second, again, Mr. Lefkowitz's allegedly mean tweets were neither extreme nor outrageous to support an NIED claim.[5] Thus, the negligence-based claims must be dismissed.

6.0 Anti-SLAPP Fees Should be Awarded

20. In his final argument, Plaintiff seeks a denial of attorneys' fees under Civil Rights Law § 70-a(1)(a) (NYSCEF Doc No. 40 at 31-32). The argument says nothing new, only that since Plaintiff believes Mr. Lefkowitz should not prevail in his Anti-SLAPP motion, fees should not be awarded. There is no dispute that, if Mr. Lefkowitz does so prevail, fees are not mandatory. Thus, as Mr. Lefkowitz's motion should be allowed, fees must be awarded.

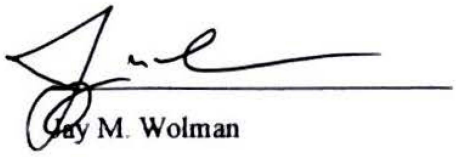
7.0 Conclusion

21. Upon information and belief, Plaintiff wanted to obtain individual, personal notoriety on X/Twitter for being the sexually-creepy "Goonboss." He got what he wanted and

[5] Plaintiff makes no other argument directed solely at the claim for negligence in Count VII.

suing his former friend, Mr. Lefkowitz, in a SLAPP suit only shows Plaintiff's true colors. Like the "Goonboss" character Plaintiff created, he is an abuser, this time of the judiciary for his drawn-out personal pleasure. The Court should not participate in Plaintiff's fetish. The matter should be dismissed under CPLR 3211(a)(7) and (g) and fees should be awarded.

I affirm this 11th day of May, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, except as to matters alleged on information and belief and as to those matters I believe it to be true, and I understand that this document may be filed in an action or proceeding in a court of law.



Jay M. Wolman

Exhibit 1

Letter to Counsel for Plaintiff
April 21, 2026

RANDAZZA
LEGAL GROUP

Jay Marshall Wolman, JD
Licensed in CT, MA, NY, DC

21 April 2026

Via Email Only
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jment@mentlaw.com
picone@mentlaw.com

Re: Spector v. Lefkowitz | Index No. 150234/2026

Dear Attorneys Ment and Picone:

As you are aware, we represent Robert Lefkowitz in the above-referenced matter. We are in receipt of your Amended Complaint (NYSCEF Doc. No. 39). We are at a bit of a loss as to why you chose to do that. While, of course, we see the lengthy Exhibit A and your conclusory assertion that this was on a matter of purely private concern, it has not substantively altered the existing causes of action. *See Simkin v. Blank, 19* N.Y.3d 46, 52, 945 N.Y.S.2d 222, 225 (2013)("bare legal conclusions" in a complaint are not entitled to a liberal construction or favorable inference).

Because it does not substantively alter the existing causes of action, our motion to dismiss (Mot. Seq. No. 2) remains open to dismiss the entire action, even though the amended complaint is now the operative complaint. *See Aetna Life Ins. Co. v. Appalachian Asset Mgmt. Corp*., 110 A.D.3d 32, 39, 970 N.Y.S.2d 750, 755 (1st Dept. 2013). Specifically, this application of the prior-filed motion includes anti-SLAPP motions. *See Zaiger LLC v. Bucher Law PLLC,* 238 A.D.3d 687, 687-88, 236 N.Y.S.3d 141, 143 (1st Dept. 2025).

Given that this might be a procedural quirk that you were not aware of, we pondered letting the 29th come and go, whereupon we would then file a notice of non-opposition. However, we did not wish to be unsporting, nor did we wish to allow you to walk into a malpractice trap.

The existing briefing schedule as to Motion Sequence No. 2 remains operative. If Mr. Spector's goal was to attempt to render that motion moot, that would be error. *Aetna, supra*. If Mr. Spector does not oppose the existing motion by April 29, we will deem it unopposed and file a notice of non-opposition. However, as noted above, if you unknowingly failed to oppose, it would be malpractice, and despite being opponents, we do not wish to allow that to happen to you.

Separately, it seems that the gambit here was to file an unnecessary amended complaint, as devised merely to increase the costs to Mr. Lefkowitz (for which Mr. Spector will be responsible if and when we prevail). Unfortunately, that is the hallmark of a SLAPP suit—to increase costs for the sake of increasing costs.

RANDAZZA
LEGAL GROUP

You may recall that when you sought an extension, we of course gave it without question. We did so as a matter of courtesy and professionalism. We, unfortunately, need to now re-evaluate how we will perceive every request. Where we initially came into this presuming good faith in all your actions, this has tainted that presumption. It isn't that we are concerned about the amended complaint. It changes really nothing, except packing the record with more of the relationship between these two guys. But if that is all you wanted to do, the exhibits could have been attached to your anti-SLAPP response.

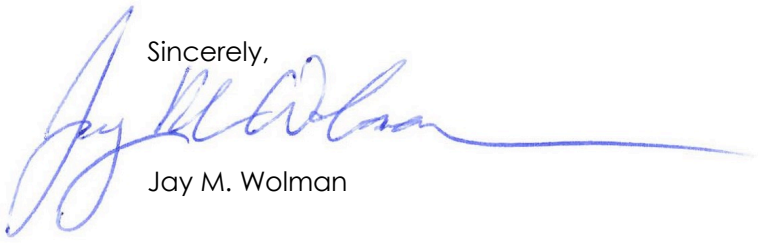
So now we have to presume that this is not just a client-driven SLAPP suit and that it will be litigated in a way that is calculated to be wasteful, it may prove more difficult to extract courtesies from us. It is possible that we are wrong. And that is why I am purposely using equivocal language. If you admit that this was your intention, but you regret it, then we are prepared to forget all about it. We are not laying a trap for you; we would see such candor as "manning up" and specifically waive any right to seek sanctions over it. Everyone makes mistakes. You made one here. Admitting it would reset our expectations of you.

Alternatively, if you can convince us that this was not merely a maneuver to try and run up the bill, we are open minded to your explanation.

You may want to get started on the anti-SLAPP response. If you wasted the time you needed to work on it with this genius maneuver, we are prepared to offer you another extension so that your client does not suffer prejudice from your unfamiliarity with *Aetna* and *Zaiger*.

Let us know if you need additional time. Thank you for your attention to this matter.

Sincerely,



Jay M. Wolman