

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

*In the Matter of Search Warrants Executed on
April 9, 2018*

MICHAEL D. COHEN,

Plaintiff,

- against -

UNITED STATES OF AMERICA,

Defendant.

18-MJ-3161 (KMW)

**SUPPLEMENTAL AFFIDAVIT
OF MICHAEL J. AVENATTI IN
SUPPORT OF MOTION FOR
ADMISSION *PRO HAC VICE***

Michael J. Avenatti, being duly sworn, hereby deposes and says as follows:

1. I submit this affidavit in further support of my motion for admission to practice *pro hac vice* in the above captioned matter.

2. I have been licensed to practice law since June 1, 2000 (nearly eighteen years). I have never been formally disciplined by the State Bar of California or any other similar regulatory body.

3. As the Court is well aware, news articles do not constitute admissible evidence.

4. Contrary to Mr. Cohen's claims in his Memorandum of Law in Opposition to the *Pro Hac Vice* Application of Michael Avenatti (Dkt. 52) there are no disciplinary proceedings or charges pending against me in California. Any suggestion to the contrary is baseless.

5. As of the date of this affidavit I have not been notified by the State Bar of California that any decision has been made to proceed with an investigation in any matter concerning me. I have not received any request for information nor have I received any request

for facts surrounding any pending complaint before the State Bar. Moreover I am not aware of the State Bar having made any determination that any pending complaint has any sufficient basis warranting inquiry of me or investigation, let alone disciplinary proceedings.

6. As this Court knows, the mere filing of a complaint with a state bar or other regulatory body does not mean that there are facts warranting an investigation let alone any disciplinary proceeding. Mr. Cohen's unsubstantiated statements in his Memorandum (Dkt. 52) reflect a fundamental misunderstanding of the facts and the law. Indeed Mr. Cohen appears to rely on a form letter referenced in a Fox News article to support his allegations. This is not evidence.

7. Mr. Cohen has presented no evidence that I received any information from the whistleblower identified in the *New Yorker* article referenced by Mr. Cohen (which is also not competent evidence). There is also no evidence that any of my actions caused the whistleblower to feel "terrified." In fact, the article suggests the *exact opposite*.

8. Mr. Cohen has presented no evidence that I ever had access to any suspicious activity reports relating to Mr. Cohen.

9. Mr. Cohen has presented no evidence that I ever purposely released any information contained within any suspicious activity report related to Mr. Cohen.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 18th day of ~~May 2018~~, at Newport Beach, California.



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