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8 *Attorneys for Defendant Marc Cohodes*

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SONOMA**

12
13 GUY GENTILE,

14 *Plaintiff,*

15 v.

16 MARC COHODES; and
DOES 1-20, inclusive,

17 *Defendant.*

Case No. SCV-265069

**DECLARATION OF MATTHEW W.
TURETZKY IN SUPPORT OF
DEFENDANT MARC COHODES'
SPECIAL MOTION TO STRIKE
PURSUANT TO CODE CIV. PROC. §
425.16 AND EXHIBITS 1 THROUGH
29 ATTACHED HERETO**

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20 Action Filed: August 28, 2019
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1 I, Matthew W. Turetzky, declare:

2 1. I am an attorney licensed to practice law in California and a senior associate
3 at The Norton Law Firm PC, counsel of record for Defendant Marc Cohodes. I make this
4 declaration based on my own personal knowledge and, if called to testify as to the truth
5 of the matters declared herein, I could and would testify competently to them.

6 2. On November 5, 2019, I visited the online docket of the criminal case
7 captioned *United States v. Gentile*, No. 2:16-CR-00155-JLL in the United States District
8 Court for the District of New Jersey, which is publicly available at <http://www.pacer.gov>.
9 I observed that the docket includes a document titled Affidavit of Guy Gentile in Support
10 of His Motion to Dismiss, labeled document number 14-25, and noted as filed by Guy
11 Gentile on July 14, 2016. I then viewed and downloaded a copy of the Affidavit of Guy
12 Gentile in Support of his Motion to Dismiss, a true and correct copy of which is attached
13 as **Exhibit 1**.

14 3. On November 5, 2019, I performed a Google search for "Guy Gentile" on
15 <http://news.google.com>. I found numerous articles about or referring to Guy Gentile.

16 4. As part of my November 5, 2019 Google search described in paragraph 3, I
17 found an article titled "District Court Invalidates Tolling Agreements in Criminal
18 Securities Fraud Prosecution Case Due to Misunderstanding of Applicable Statute of
19 Limitations," dated February 6, 2017, at the URL
20 [https://www.lexology.com/library/detail.aspx?g=3d7745ec-b9b2-4ff5-a9ed-](https://www.lexology.com/library/detail.aspx?g=3d7745ec-b9b2-4ff5-a9ed-fcca0e226d6c)
21 [fcca0e226d6c](https://www.lexology.com/library/detail.aspx?g=3d7745ec-b9b2-4ff5-a9ed-fcca0e226d6c). Attached as **Exhibit 2** is a true and correct copy of this article, which I
22 viewed and printed on November 5, 2019.

23 5. As part of my November 5, 2019 Google search described in paragraph 3, I
24 found an article titled "Judge all but tosses case against 'rogue' trader Guy Gentile,"
25 dated September 18, 2017, at the URL [https://nypost.com/2017/09/18/judge-all-but-](https://nypost.com/2017/09/18/judge-all-but-tosses-case-against-rogue-trader-guy-gentile/)
26 [tosses-case-against-rogue-trader-guy-gentile/](https://nypost.com/2017/09/18/judge-all-but-tosses-case-against-rogue-trader-guy-gentile/). Attached as **Exhibit 3** is a true and correct
27 copy of this article, which I viewed and printed on November 5, 2019.

28 6. As part of my November 5, 2019 Google search described in paragraph 3, I

1 found an article titled "Hotshot banker says jilted lover drove his Benz into pool," dated
2 October 13, 2017, at the URL [https://nypost.com/2017/10/13/hotshot-wall-street-banker-](https://nypost.com/2017/10/13/hotshot-wall-street-banker-says-jilted-lover-drove-his-benz-into-pool/)
3 [says-jilted-lover-drove-his-benz-into-pool/](https://nypost.com/2017/10/13/hotshot-wall-street-banker-says-jilted-lover-drove-his-benz-into-pool/). Attached as **Exhibit 4** is a true and correct
4 copy of this article, which I viewed and printed on November 5, 2019.

5 7. As part of my November 5, 2019 Google search described in paragraph 3, I
6 found an article titled "Hotshot banker thankful for 'fantastic' decision on \$17M SEC
7 case," dated December 13, 2017, at the URL [https://nypost.com/2017/12/13/hotshot-](https://nypost.com/2017/12/13/hotshot-banker-thankful-for-fantastic-decision-on-17m-sec-case/)
8 [banker-thankful-for-fantastic-decision-on-17m-sec-case/](https://nypost.com/2017/12/13/hotshot-banker-thankful-for-fantastic-decision-on-17m-sec-case/). Attached as **Exhibit 5** is a true
9 and correct copy of this article, which I viewed and printed on November 5, 2019.

10 8. As part of my November 5, 2019 Google search described in paragraph 3, I
11 found an article titled "Hotshot banker denied business license over 'F-k you DOJ' joke:
12 suit," dated July 4, 2018, at the URL [https://nypost.com/2018/07/04/hotshot-banker-](https://nypost.com/2018/07/04/hotshot-banker-denied-business-license-over-f-k-you-doj-joke-suit/)
13 [denied-business-license-over-f-k-you-doj-joke-suit/](https://nypost.com/2018/07/04/hotshot-banker-denied-business-license-over-f-k-you-doj-joke-suit/). Attached as **Exhibit 6** is a true and
14 correct copy of this article, which I viewed and printed on November 5, 2019.

15 9. As part of my November 5, 2019 Google search described in paragraph 3, I
16 found an article titled "Trader-Turned-Informant Tied to Waste Stock That Surged
17 1,500%," dated July 31, 2018, at the URL
18 [https://www.bloomberg.com/news/articles/2018-07-31/trader-turned-informant-tied-to-](https://www.bloomberg.com/news/articles/2018-07-31/trader-turned-informant-tied-to-waste-stock-that-surged-1-500)
19 [waste-stock-that-surged-1-500](https://www.bloomberg.com/news/articles/2018-07-31/trader-turned-informant-tied-to-waste-stock-that-surged-1-500). Attached as **Exhibit 7** is a true and correct copy of this
20 article, which I viewed and printed on November 5, 2019.

21 10. As part of my November 5, 2019 Google search described in paragraph 3, I
22 found an article titled "Trader-Turned-Informant Takes Big Stake In Lannett," dated
23 January 24, 2019, at the URL [https://seekingalpha.com/article/4235285-trader-turned-](https://seekingalpha.com/article/4235285-trader-turned-informant-takes-big-stake-lannett)
24 [informant-takes-big-stake-lannett](https://seekingalpha.com/article/4235285-trader-turned-informant-takes-big-stake-lannett). Attached as **Exhibit 8** is a true and correct copy of
25 this article, which I viewed and printed on November 5, 2019.

26 11. As part of my November 5, 2019 Google search described in paragraph 3, I
27 found an article titled "Broker Principal: Us [sic] Probe Defeat 'Not A Setback'," dated
28 May 16, 2019 at the URL <http://www.tribune242.com/news/2019/may/16/broker->

1 principal-us-probe-defeat-not-setback/. Attached as **Exhibit 9** is a true and correct copy
2 of this article, which I viewed and printed on November 5, 2019.

3 12. On November 5, 2019, I visited a website at the URL
4 <http://www.guygentile.com/>.

5 13. Attached as **Exhibit 10** is a true and correct copy of content that I viewed at
6 and printed from <http://www.guygentile.com/> on November 5, 2019. Exhibit 10 omits
7 some unprintable content that was viewable from my internet browser. The unprintable
8 content includes a picture of Guy Gentile with two other individuals and scrolling text
9 across the screen under his name with phrases such as “Professional day trader,” “Father
10 & Family Man,” “Activist Investor & short seller,” and “Experienced Entrepreneur.”

11 14. Attached as **Exhibit 11** is a true and correct copy of content that I viewed at
12 and printed from <http://www.guygentile.com/biography/> on November 5, 2019.

13 15. Attached as **Exhibit 12** is a true and correct copy of content that I viewed at
14 and printed from <http://www.guygentile.com/early-career/> on November 5, 2019.

15 16. Attached as **Exhibit 13** is a true and correct copy of content that I viewed at
16 and printed from <http://www.guygentile.com/speedtrader/> on November 5, 2019.

17 17. Attached as **Exhibit 14** is a true and correct copy of content that I viewed at
18 and printed from <http://www.guygentile.com/professional-highlights/> on November 5,
19 2019.

20 18. Attached as **Exhibit 15** is a true and correct copy of content that I viewed at
21 and printed from <http://www.guygentile.com/guy-gentile-today/> on November 5, 2019.

22 19. Attached as **Exhibit 16** is a true and correct copy of content that I viewed at
23 and printed from <http://www.guygentile.com/business/> on November 5, 2019.

24 20. Attached as **Exhibit 17** is a true and correct copy of content that I viewed at
25 and printed from <http://www.guygentile.com/travel/> on November 5, 2019.

26 21. On November 5, 2019, I observed content published on the Twitter account
27 @GuyGentile by visiting the URL <https://twitter.com/GuyGentile>. The “bio” field of the
28 account reads, “#Entrepreneur, #Investor, #DayTrader, World traveler and adventure

1 seeker! Don't trade off my Tweets. Going for #billions 'Self-Proclaimed BEST TRADER
2 of 2019'!" The account's location is set to "Puerto Rico, USA." Its listed URL is
3 "daytraderpro.com." The @GuyGentile Twitter page states the owner of the account
4 joined Twitter on November 2014, follows 12 accounts, and is followed by 11,100
5 accounts. Attached as **Exhibit 18** is a true and correct copy of @GuyGentile's Twitter
6 page that I viewed at <https://twitter.com/GuyGentile> and printed on November 5, 2019.

7 22. I reviewed the tweets posted on @GuyGentile from August 28, 2018 to
8 August 28, 2019 (the day Gentile filed his Complaint against Cohodes in this matter). I
9 observed @GuyGentile refer to LCI – Lannett's ticker symbol – in 296 tweets over that
10 one year period.

11 23. On November 5, 2019, I observed content published on the Stocktwits
12 account @guygentile by visiting the URL <https://stocktwits.com/guygentile/>. The bio of
13 the account reads, "Entrepreneur, Activist Short Seller, Day Trader, World traveler and
14 adventure seeker! Don't trade off my Twits!" The account owner's URL is listed as
15 <http://www.daytraderpro.com>. The @guygentile Stocktwits page states the account
16 owner joined Stocktwits on December 11, 2014, follows 1 account, and has 2,400
17 followers. Attached as **Exhibit 19** is a true and correct copy of @guygentile's Stocktwits
18 page that I viewed at <https://stocktwits.com/guygentile/> and printed on November 5,
19 2019.

20 24. On November 5, 2019, I observed content available in a YouTube channel
21 associated with "Guy Gentile" by visiting the URL
22 <https://www.youtube.com/channel/UCMTN6AtDnECeM0V7hIOOMSA>. This YouTube
23 channel has 802 subscribers. Attached as **Exhibit 20** is a true and correct copy of "Guy
24 Gentile's" YouTube channel home page that I viewed at
25 <https://www.youtube.com/channel/UCMTN6AtDnECeM0V7hIOOMSA> and printed on
26 November 5, 2019.

27 25. On November 5, 2019, I searched for Guy Gentile on Wikipedia
28 (<http://en.wikipedia.org/>) and found a page about Guy Gentile at the URL

1 https://en.wikipedia.org/wiki/Guy_Gentile. Attached as **Exhibit 21** is a true and correct
2 copy of the Wikipedia page about Guy Gentile that I viewed at
3 https://en.wikipedia.org/wiki/Guy_Gentile and printed on November 5, 2019.

4 26. On November 5, 2019, I searched for Guy Gentile on Facebook
5 (<http://www.facebook.com/>) and found a page referring to Guy Gentile at the URL
6 <https://www.facebook.com/guy.gentile>. Attached as **Exhibit 22** is a true and correct
7 copy of the content that I viewed at <https://www.facebook.com/guy.gentile> and printed on
8 November 5, 2019.

9 27. On November 5, 2019, I observed content published on the Instagram
10 account @guygentile by visiting the URL <https://www.instagram.com/guygentile/>. The
11 bio of the account reads, “#daytrader #entrepreneur #worldtraveler #adventureseeker and
12 self-proclaimed Best trader of 2019! 🖱🖱🖱🖱🖱🖱 daytraderpro.com.” The
13 @guygentile Instagram account states that the account owner follows 86 accounts and
14 has 5,697 followers. Attached as **Exhibit 23** is a true and correct copy of the content I
15 viewed at <https://www.instagram.com/guygentile/> and printed on November 5, 2019.

16 28. On November 5, 2019, I performed a Google search for “Guy Gentile” and
17 “pump and dump” on all of Google at <http://www.google.com/>. Attached as **Exhibit 24**
18 is a true and correct copy of the first four pages of search results returned by this search,
19 which I viewed and printed on November 5, 2019.

20 29. On November 5, 2019, I performed a Google search for “Guy Gentile” and
21 “indict” on all of Google at <http://www.google.com/>. Attached as **Exhibit 25** is a true
22 and correct copy of the first four pages of search results returned by this search, which I
23 viewed and printed on November 5, 2019.

24 30. On November 5, 2019, I visited the online docket of the case captioned
25 *Securities and Exchange Commission v. Mintrade Technologies, LLC*, No. 1:19-mc-
26 20496-KMW in the United States District Court for the Southern District of Florida,
27 which is publicly available at <http://www.pacer.gov>. I observed that the docket includes
28 a document titled Declaration of Jessica Weissman, labeled document number 15-1, and

1 noted as filed by the Securities and Exchange Commission on March 26, 2019. I then
2 viewed and downloaded a copy of the Declaration of Jessica Weissman, a true and
3 correct copy of which is attached as **Exhibit 26**.

4 31. On November 6, 2019, I observed content published on the Twitter account
5 @SEC_Enforcement by visiting the URL https://twitter.com/SEC_Enforcement. I
6 further observed a tweet published by that account dated March 23, 2016 at 2:32PM,
7 which reads "Litigation Release: Guy Gentile – SEC Charges New York Man with
8 Conducting Penny Stock Manipulation Schemes ow.ly/3cLGS1." Attached as **Exhibit**
9 **27** is a true and correct copy of this tweet, which I viewed at
10 https://twitter.com/SEC_Enforcement/status/712754014107119616 and printed on
11 November 6, 2019.

12 32. On November 6, 2019, I clicked the link to ow.ly/3cLGS1, mentioned in
13 the tweet identified in the previous paragraph. The link redirected me to the URL
14 <https://www.sec.gov/litigation/litreleases/2016/lr23496.htm>. Attached as **Exhibit 28** is a
15 true and correct copy of content that I viewed at
16 <https://www.sec.gov/litigation/litreleases/2016/lr23496.htm> and printed on November 6,
17 2019.

18 33. On November 7, 2019, I observed a video featuring Guy Gentile by visiting
19 the URL <https://www.youtube.com/watch?v=Jb6y0CkRPEg>. The video is titled "Who Is
20 Guy Gentile?" and features the following description: "A modern renaissance man, Guy
21 Gentile is an entrepreneur, trader, fire fighter, animal rights advocate, and philanthropist.
22 But first and foremost he is a son and father. Disclaimer: Not currently Sworn Law
23 Enforcement Officer or Firefighter. Read Guy's journey at <http://www.guygentile.com>."
24 Attached as **Exhibit 29** is a true and correct copy of a screenshot of content that I viewed
25 at <https://www.youtube.com/watch?v=Jb6y0CkRPEg> and printed on November 7, 2019.
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1 34. I declare under penalty of perjury under the laws of the state of California
2 that the foregoing is true and correct and that this Declaration was executed on November
3 8, 2019 in Oakland, California.

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5
6 Date: November 8, 2019


Matthew W. Turetzky