

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Sam Sloan,

Plaintiff,

Civil Action No. 07-CV-8537 (DC)

-against-

Hoainhan “Paul” Truong, Zsuzsanna “Susan” Polgar,  
Joel Channing, William Goichberg, The United States  
Chess Federation, Bill Hall, Herbert Rodney Vaughn,  
Gregory Alexander, Frank Niro, Grant Perks, William  
Brock, Randall Hough, Randy Bauer, Jim Berry,  
Texas Tech University and United States of America,

Defendants

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AFFIDAVIT IN OPPOSITION TO MOTION  
TO DISMISS ON DIVERSITY ISSUE

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Samuel H. Sloan, the plaintiff herein, being duly sworn, deposes and says:

1. I make this affidavit in opposition to the motion by William Goichberg and others to dismiss this action on the grounds of lack of diversity jurisdiction. This affidavit only addresses the diversity issue. I will address other issues in other affidavits.
2. Please note that the affidavit of William Goichberg in support of his motion to dismiss sworn to the 9<sup>th</sup> day of January 2008 is notarized by Pi Ning Cheung, Notary Public – California, Los Angeles.
3. It seems odd that a person who claims to reside in New York and who has known about this lawsuit since it was filed on October 2, 2007 would not be able to obtain a notary public in New York State who is willing to state that he knows Mr. Goichberg.
4. I have known William Goichberg since 1961 when he defeated me in the Eastern Open Chess Championship in Washington DC. One would imagine that since I have known him for 47 years and served on the board with him for one year that I would know where he lives.
5. In his moving affidavit he states that his residence is at 2084 Route 94, Salisbury Mills NY 12577. If that is the case, how come I cannot find this address listed anywhere? Not only it is not listed anywhere as his address, but it is not listed anywhere at all.
6. In fact, the address of 2084 Route 94, Salisbury Mills NY 12577 **DOES NOT EXIST**.
7. My investigation confirms that 2084 Route 94, Salisbury Mills NY 12577 is not a residence or a domiciliary address. I have checked every possible source for the address of 2084 Route 94, Salisbury Mills NY 12577. For example, I checked the US Postal Service website which has the full 9-digit zip code for every address in America at <http://zip4.usps.com/zip4/welcome.jsp>

8. Inputting that address yields the following answer:

We're sorry! We were unable to process your request.

The address was not found. Please check the address below.

You may want to utilize the Yellow Pages and/or White Pages below.

9. I have checked every other possible source, including mapquest.com , Google Earth, Google Maps and none of them show an address in existence of 2084 Route 94, Salisbury Mills NY 12577.

10. A real estate site, zillow.com , shows 2084 Route 94, Salisbury Mills NY 12577, to be an empty lot.

11. Bill Goichberg had better come up with a really good explanation for this.

12. Bill Goichberg lives a vagabond life, constantly traveling from place to place, from chess tournament to chess tournament, from horse racing track to horse racing track. It is true that he has a telephone number in Salisbury Mills but in the many times I have called that number over a period of many years nobody has ever answered the phone. He seems to have it on permanent voicemail. For the past more than 40 years, Bill Goichberg has carried ads for his chess tournaments in every issue of Chess Life, always providing another address where to send the entry fees for his chess tournaments. The street address he provides in this pleading has never previously been provided anywhere else. I know many people who know Bill Goichberg even better than I do and none of them had ever heard of this street address before. If what he says is true, he has been keeping his residence address secret for the last 17 years and has revealed it now just to defeat my diversity claim.

13. So far, Goichberg has submitted no evidence in support of his claim. He has provided no income tax returns, no deed or title to property, no gas nor electric bills nor anything else to establish that his primary domicile is in New York State. (The law speaks of "domicile" not residence.)

14. Bill Goichberg is not presently in New York State. He is now in Southern California and has been there since October. He currently resides at the Santa Anita Inn, at 130 West Huntington Drive, Arcadia, CA 91007 and plans to stay there at least through the winter. As the name suggests, it is next to the Santa Anita Race Track where Bill Goichberg is a race horse handicapper. He plays a system based on the USCF Rating System.

15. His claim is that he "intends to return to New York State". Intent to return to New York does not establish residence or domicile and does not defeat diversity jurisdiction. Indeed, asserting that he intends to return is a tacit admission by Mr. Goichberg that he is not currently a resident or domiciliary of New York State.

16. Accordingly, diversity is established and a motion to dismiss on that ground must be denied. At a very minimum there will have to be a fact-hearing where Goichberg will be required to produce evidence if he has any that he is domiciled in New York State, especially since he is nowhere to be found in New York State and has not been here in quite some time.

17. In addition, it is not necessary to reach diversity because there are federal questions involved in this case. Also, if worse comes to worst I would just have to drop Goichberg as a defendant because it is clear that all of the other defendants are domiciled outside of New York State.

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Samuel H. Sloan  
1664 Davidson Ave., Apt. 1B  
Bronx NY 10453

917-507-7226  
1-347-869-2465  
samsloan@samsloan.com

STATE OF NEW YORK     )  
  ss:  
COUNTY OF BRONX     )

VERIFICATION

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Signature of Petitioner

On the 2nd Day of February, 2008 before me personally came Samuel H. Sloan to me known to be the person described herein and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that he executed the same.

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NOTARY PUBLIC

Affidavit of Service

Samuel H. Sloan, being duly sworn, deposes and says that on February 2, 2008 he mailed the within affidavit in opposition to motion to dismiss this action for lack of diversity to the following addresses:

Jeremy Brown  
Attorney for USCF, William Goichberg defendants  
Proskauer Rose LLP  
One Newark Center  
Newark NJ 07102-5211

Joseph J. Ortego  
Nixon Rose LLP  
Attorneys for Hoainhan "Paul" Truong and Zsuzsanna "Susan" Polgar  
50 Jericho Quadrangle  
Jericho NY 11753-2729

Emily E. Daughtry  
Attorney for United States of America  
US Attorney's Office  
86 Chambers Street, 3<sup>rd</sup> Floor  
New York NY 10007-2632

Patrick M. O'Brien, Esq.  
Attorney for William Brock  
309 Elmore Street  
Park Ridge, Illinois 60068-3569

Arthur M. Handler  
Attorney for William Brock  
Handler & Goodman LLP  
805 Third Avenue  
8th Floor  
New York NY 10022

Scot M. Graydon  
Attorney for Texas Tech University  
Assistant Attorney General, General Litigation Division  
Attorney General of Texas  
PO Box 12548  
Austin Texas 78711-2446

June Duffy  
Assistant Attorney General of New York  
120 Broadway  
New York NY 10271

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Samuel H. Sloan

Sworn to before me this 2nd  
Day of February, 2008

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NOTARY PUBLIC