

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

SAM SLOAN,

Petitioner,

Against

AFFIDAVIT

Index No. 2004-7739

BEATRIZ MARINELLO, TIM HANKE, STEPHEN
SHUTT, ELIZABETH SHAUGHNESSY, RANDY BAUER,
BILL GOICHBERG, KENNETH M. CHADWELL, AND
UNITED STATES CHESS FEDERATION,

Respondents.

STATE OF NEW YORK

SS:

COUNTY OF ORANGE

BILL GOICHBERG, being duly sworn, deposes and says:

1. I am the Executive Director of the United States of America Chess Federation ("USCF") and a named respondent herein. I am personally familiar with the facts to which I refer in this

Affidavit.

2. My office is on the premises of USCF on Route 9W in New Windsor. On Friday, November 19, 2004 USCF received at its offices an Order to Show Cause dated November 16, 2004 initialed by Judge Horowitz. The Order came in an envelope sent by certified mail. No papers or documents were attached to the Order and nothing other than the Order was in the envelope. I understand

from reading this order and from our counsel that the court directed the petitioner to make personal service on the respondents of all papers, including the affidavits and petition, by November 22, 2004. (Copy of the Order and its envelope is annexed as Exhibit A.) No person came to our offices on November 19, 2004 to serve the Order or any prior day, even though our offices were open as usual each day last week through 5 p.m. Friday (November 19). Upon coming to work Monday morning, November 22, 2004 no other copies of the Order or any envelope containing any such Order had been left at the premises, whether by posting on the door or otherwise.

3. No other copy of the Order was received or delivered, whether by mail or personal delivery, on November 22, 2004. Our offices were open as usual from 9 a.m. to 5 p.m. that day.

4. On Tuesday, November 23, 2004 at 4:45 in the afternoon a man came to our offices and delivered to me one copy of the same Order. Once again, there were no other papers attached to the Order. To my knowledge neither I nor USCF, nor any other Respondent, have been served with a copy of the Order, Petition and other papers by personal service on or before November 22, 2004.

5. I understand from our counsel that Mr. Sloan, among other things, questions the authority of Ms. Marinello and Tim Hanke to write checks and claims they control the funds representing the proceeds from the sale of USCF's building on September 17, 2004. Ms. Marinello as Executive Board president and Mr. Hanke as vice president of finance have been authorized by the Life Member Assets Committee, with the knowledge and approval of the Executive Board, to sign checks on the accounts into which the sales proceeds were placed. The LMA Committee has traditionally been the Board's delegate with respect to the real estate and certain other funds.

These proceeds have continued to be properly accounted for. There has been no diversion or taking of any of these funds. I, as Executive Director, and Kenneth Thomas, Comptroller, and also Judy Misner of our office, have check signing over USCF's general operating account. Those funds are accounted for as well.

William Goichberg

Sworn to before me this 24th day of November, 2004

Notary Public
Carol M. Scheer
Notary Public State of New York
No. 01SC4742131
Qualified in Orange County
Commission Expires August 31, 2005