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15 Attorneys for Plaintiff

16
 17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19 **SAN JOSE DIVISION**

20 CAROL LOEB SHLOSS,

21 Plaintiff,

22 v.

23 SEAN SWEENEY, in his capacity as trustee of
 the Estate of James Joyce, and THE ESTATE
 24 OF JAMES JOYCE

25 Defendants.

CASE NO. CV 06-3718 (JW) (HRL)

**DECLARATION OF DAVID PIERCE IN
 SUPPORT OF PLAINTIFF'S OPPOSITION
 TO DEFENDANTS' MOTION TO DISMISS**

Date: January 22, 2007
 Time: 9:00 a.m.
 Judge: Hon. James Ware

1 I, DAVID PIERCE, declare as follows:

2 1. I am Professor of English at the University College of Ripon and York St. John, in
3 York, England. I make this declaration in support of Plaintiff Carol Loeb Shloss's Opposition to the
4 Defendants' Motion to Dismiss. I have personal, firsthand knowledge of the following facts, and if
5 called as a witness, I could and would testify to them.

6 2. I am a literature scholar with particular expertise in modern Irish authors, including
7 James Joyce. I have published numerous articles and reviews on these subjects in academic
8 journals, and I am the author of several books on James Joyce, William Butler Yeats, and other
9 literary subjects. My books include *James Joyce's Ireland* (Yale University Press, 1992) and *Joyce*
10 *and Company* (Continuum, 2006).

11 3. I am also editor of *Irish Writing in the Twentieth Century: A Reader* (Cork University
12 Press, 2001), an anthology running to more than a thousand pages of text and annotations (hereafter,
13 the "*Reader*"). In the months before the scheduled publication of that volume (September 2000),
14 my publisher and I sought permission of the James Joyce Estate to print extracts from Joyce's major
15 works. The Joyce extracts were to account for approximately 2% of the content of the *Reader*, and
16 permission fees would have to be paid to many other authors and estates besides the Joyce Estate.
17 In response to our requests, Mr. Stephen James Joyce insisted on a permission fee of £7,000 British
18 sterling, even though it was explained to him that this would be a large percentage of the
19 permissions budget set aside for the *Reader* by Cork University Press (the "*Press*"), an academic
20 press with limited resources. Mr. Joyce was adamant. He later raised the fee to £7,500.

21 4. Mr. Joyce sent me two letter faxes during the period prior to the scheduled publication
22 of the *Reader*. In the first of these, dated June 20, 2000, he stated, among other things, that the Press
23 had not replied to a letter he had addressed to it in May 2000, adding, "So be it. The thing about life
24 is that if you live long enough the leopard will always show his spots and the pigeons usually come
25 home to roost." These remarks and others in the letter made me greatly concerned that Mr. Joyce
26 and the Joyce Estate would take legal action against me, the Press, or both of us. A true and correct
27 copy of Mr. Joyce's June 20, 2000 letter fax is attached hereto as Exhibit 1. This document has been
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1 kept as a regular practice in my files in the course my regularly conducted work as a scholar and
2 author.

3 5. Mr. Joyce's second letter fax to me was sent on July 10, 2000. In it, he informed me
4 that he was refusing permission to reproduce any extracts from James Joyce's writings in my
5 *Reader*. He also stated that copyright in all of Joyce's writings would last in the European
6 Economic Community (EEC) until the end of 2011, and that the Joyce Estate owned this copyright.
7 Mr. Joyce's letter made me, once again, extremely worried that legal action would be taken against
8 me, the Press, or both of us. A true and correct copy of Mr. Joyce's July 10, 2000 letter fax is
9 attached hereto as Exhibit 2. This document has been kept as a regular practice in my files in the
10 course my regularly conducted work as a scholar and author.

11 6. I was made even more fearful of legal reprisal when Mr. Joyce unexpectedly phoned me
12 at my home in York on August 24, 2000. He spoke menacingly to me, accused me, falsely, of being
13 the author of an article he disliked, and inquired about my plans for the *Reader*. I told him that
14 deletions of some Joyce material had been made and that the book had gone to press, but I would not
15 discuss the contents of the volume with him.

16 7. The next day, August 25, 2000, the Joyce Estate's solicitors in Dublin faxed a letter to
17 the Press threatening legal action concerning the *Reader*. On September 11, 2000, the Joyce
18 Estate's solicitors filed suit against the Press for injunctive relief to halt release of the *Reader*. In a
19 Judgment dated October 9, 2000, the Irish High Court granted an injunction. A true and correct
20 copy of that Judgment, obtained from the British and Irish Legal Information website (found at
21 <http://www.bailii.org/ie/cases/IEHC/2000/70.html>), is attached hereto as Exhibit 3.

22 8. As a result of the injunction, the *Reader* was published, after considerable delay, with
23 the Joyce extracts literally shorn from the volume by the Press and a cardboard notice tipped in
24 stating, "Pages 323-346 have been removed due to a dispute in relation to copyright." I was
25 devastated by the mutilation of my *Reader*. I will never get over it entirely.

26 9. In June 2003, I attended a James Joyce conference hosted by the University of Tulsa in
27 Tulsa, Oklahoma. There I met Professor Carol Loeb Shloss, who was scheduled to give a plenary
28 address on her biography of Lucia Joyce, then still to be issued by Farrar, Straus & Giroux.

DECLARATION OF DAVID PIERCE

1 10. As she described to me how vehemently and persistently the Joyce Estate had expressed
2 its opposition to her book about Lucia Joyce, I saw how fearful and distraught she was. I have never
3 seen anyone in academic life so utterly alarmed as I did when I spoke with Carol at the Tulsa
4 conference. I understood exactly her predicament because I had been through something similar
5 myself.

6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct. Executed this 10th day of December, 2006, at York, England.

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10 _____
11 DAVID PIERCE
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DECLARATION OF DAVID PERCE