

EXHIBIT B

Part 1

1 Maria K. Nelson (State Bar No. 155,608)
 mknelson@jonesday.com
 2 Anna E. Raimer (State Bar No. 234,794)
 aeraimer@jonesday.com
 3 Antionette D. Dozier (State Bar No. 244,437)
 adozier@jonesday.com
 4 JONES DAY
 555 South Flower Street
 5 Fiftieth Floor
 Los Angeles, CA 90071-2300
 6 Telephone: (213) 489-3939
 Facsimile: (213) 243-2539
 7

Attorneys for Defendants
 8 SEÁN SWEENEY AND THE ESTATE OF JAMES
 JOYCE
 9

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12

13 **CAROL LOEB SHLOSS,**

14 **Plaintiff,**

15 **v.**

16 **SEÁN SWEENEY, in his capacity as**
trustee of the Estate of James Joyce, and
 17 **THE ESTATE OF JAMES JOYCE,**

18 **Defendants.**

Case No. CV 06-3718 JW (HRLx)

**DECLARATION OF MARIA K.
 NELSON IN SUPPORT OF
 DEFENDANTS' OPPOSITION TO
 PLAINTIFF'S MOTION FOR AN
 AWARD OF ATTORNEYS' FEES
 AND COSTS**

Date: June 4, 2007
Time: 9:00 a.m.
Judge: Hon. James Ware

19
 20
 21
 22
 23
 24
 25
 26
 27
 28

1 I, Maria K. Nelson, do hereby declare:

2 1. I am an attorney admitted to practice in California and this Court. I represent Seán
3 Sweeney, in his capacity as trustee of the Estate of James Joyce, and The Estate of James Joyce
4 (collectively "Defendants") in the above-captioned matter. Except as otherwise stated, I have
5 personal and first-hand knowledge of the facts set forth herein, and if called as a witness, I could
6 and would testify competently thereto.

7 2. There is little difference between the original Electronic Supplement and Shloss's
8 Book as demonstrated in the Declaration of Anna E. Raimer in Support of Defendants' Reply to
9 Plaintiff's Opposition to Defendants' Motion to Dismiss, or in the Alternative to Strike, Carol
10 Loeb Shloss's Amended Complaint. A true and correct copy of the Raimer Declaration is
11 attached hereto as Exhibit B.

12 3. On information and belief, at least 4 biographies of James Joyce have been
13 published in the last 3 years. These include:

- 14
- 15 • Ian Pinder, *James Joyce* (Haus Publishing 2004).
 - 16 • Hans-Christian Oeser, *James Joyce* (Suhrkamp 2007).
 - 17 • Friedhelm Rathjen, *James Joyce* (Rowohlt Taschenbuch Verlag 2004).
 - 18 • Bjørn Tysdahl, *James Joyce Liv Og Diktning* (Cappelen 2003).

19 4. On information and belief, though it may be true that many letters written by
20 James Joyce have surfaced following the publication of volumes of James Joyce's letters, it is my
21 understanding that Defendants have received no requests to publish a compilation of letters in the
22 last 30 years.

23 5. Prior to receiving Shloss's Motion for Award of Attorneys' Fees and Costs,
24 Shloss's counsel never raised the issue of attorneys' fees with me or, to my knowledge, anyone
25 else representing Defendants.

26 6. Excerpts from a true and correct copy of the transcript of the hearing on
27 Defendants' Motion to Dismiss on January 31, 2007, are attached hereto as Exhibit A.

28 7. Attached hereto as Exhibit C is a blog entry written by David Olson on June 16,
2006, which was located on the Stanford University website at www.stanford.edu.

Exhibit A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COPY

CAROL LOEB SHLOSS,)
)
 Plaintiff,)
) No. C 06-03718 JW
 versus)
) January 31, 2007
 SEAN SWEENEY, et al.,)
 Defendant.)
 -----)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES WARE
UNITED STATES DISTRICT JUDGE

A-P-P-E-A-R-A-N-C-E-S:

For the Plaintiff: Stanford Law School Center
for Internet and Society
By: ANTHONY T. FALZONE
DAVID S. OLSON
Crown Quadrangle
559 Nathan Abbott Way
Stanford, CA 94305-8610

For the Defendants: Jones Day
By: MARIA K. NELSON
ANNA E. RAIMER
555 South Flower Street
5th Floor
Los Angeles, CA 90071

Court Reporter: Georgina Galvan Colin
License No. 10723

1 San Jose, California January 31, 2007

2 P-R-O-C-E-E-D-I-N-G-S

3 THE CLERK: Calling case 06-03718, Carol
4 Loeb Shloss versus Sean Sweeney, et al, on for
5 defendant's motion to dismiss. Fifteen minutes
6 each side.

7 Counsel, please step forward and state
8 your appearances.

9 MR. FALZONE: Anthony Falzone for
10 Professor Carol Shloss.

11 MR. OLSON: David Olson for Professor
12 Carol Shloss.

13 MS. NELSON: Your Honor, Maria Nelson for
14 the estate of James Joyce. With me is my associate
15 Anna Raimer, and the defendant Sean Sweeney.

16 MR. FALZONE: Your Honor, I have with me
17 the plaintiff, Professor Carol Shloss.

18 THE COURT: Good morning. Good morning
19 all; welcome.

20 Very well, this is your motion,
21 Ms. Nelson, to dismiss.

22 MS. NELSON: That is correct, your Honor.

23 THE COURT: Do you want to, you can
24 submit it on the papers or make an argument if you
25 wish.

1 contains part of the controversy and those are the
2 cuts the publisher made. The 2006 additions add to
3 that material that Professor Shloss herself cut
4 from the manuscript out of fear of litigation and
5 due to threat of suit. And your Honor is correct,
6 there is no doubt that the issue framed by the
7 amended complaint is the 2006 website. And the
8 fact of the matter is the covenant simply does not
9 cover that controversy. The covenant covers only
10 the 2005 website, and doesn't speak as to the 2006
11 website at all.

12 Now, there is also no doubt that the
13 material that was added in 2006 relates directly to
14 the threats the Estate made here. In the
15 correspondence the trustee of the Estate, Stephen
16 James Joyce, told Professor Shloss and her
17 publisher that they may not use anything that James
18 Joyce ever wrote, or anything Lucia Joyce ever
19 wrote, drew, painted or recorded, and that's a
20 quote. And if they did there would be
21 repercussions; the Estate has never lost in a
22 lawsuit; their legal record is crystal clear; they
23 put their money where their mouth is. And indeed
24 they have in four other litigations. So the nexus
25 between the two is inescapable. They are both

10

1 And it seems to me a simple solution to
2 this, if there is a desire to resolve the case,
3 which I sense, and that is to negotiate such a
4 covenant. But if you are unwilling to give it,
5 that creates a controversy.

6 MS. NELSON: Your Honor, certainly
7 negotiating a covenant is something that the Estate
8 has considered. And you know, quite frankly,
9 having a substantial amount of new materials dumped
10 into this lawsuit after the Estate had very clearly
11 indicated it had absolutely no interest in
12 litigation, it doesn't seem that the Estate should
13 have to give that covenant. That doesn't mean it
14 won't.

15 THE COURT: Oh, I'm not enforcing it.
16 All I'm saying is this is a motion to dismiss the
17 case, and if you want to, if there is no, you don't
18 desire litigation over this, there are ways to
19 resolve it short of getting the Court involved. I
20 do have some concerns because of the mixture of
21 copyright and privacy issues that I haven't quite
22 sorted out but I figure that will happen in the
23 course of litigation. And so it is my
24 predisposition, and nothing in this argument has
25 changed it, to deny the motion to dismiss for lack

18

1 of subject matter jurisdiction on the grounds that
2 there's no case or controversy.

3 There may be circumstances under which
4 after you get involved might raise affirmative
5 defenses, and one of the ways that I will know
6 whether or not there is a case or controversy is
7 whether or not in your response you file a counter
8 claim for copyright infringement with respect to
9 the site. If you don't, that might help me to say
10 somebody ought to move for summary judgment.

11 MS. NELSON: Understood, your Honor. And
12 just a couple of points, we would appeal to your
13 Honor's discretion also to dismiss this case. This
14 is a case, as you can see from Shloss's declaration
15 as of February 6, 2003, Mr. Lessig was already
16 involved, they were already considering a
17 declaratory judgment action, and we would submit
18 that this is a case that never needed to be filed.
19 That this is something that Mr. Lessig and
20 Ms. Shloss have deliberately sought. And so it
21 really is not an appropriate case to be before this
22 court, which we have been telling the other side
23 all along.

24 THE COURT: Well, I don't, I would not
25 exercise my discretion in response to that

1 statement. I have to accept the allegations of the
2 complaint as true. And it sounds to me like what I
3 have before me is a scholar who started out doing
4 the work and only became advised by lawyers after
5 the work got to be controversial, and that's a wise
6 thing to do. There is no criticism that I should
7 issue against the lawyers or Dr. Shloss with
8 respect to how they conducted themselves, nor of
9 the Estate quite frankly. If there is a belief
10 that this material does indeed infringe on
11 copyright issues, it's right to have asserted that,
12 to have put the case properly before some neutral
13 person to get that resolved. And so as far as I'm
14 concerned everybody is in the right place right
15 now.

16 MS. NELSON: Your Honor, we would
17 certainly direct your attention to the Estate's
18 motion to strike the various affirmative defenses,
19 in particular copyright misuse, and the 1922
20 *Ulysses* status as being in the public domain. It
21 is the Estate's position and firm belief that this
22 case is really not about the website at all, but it
23 is really a pretext to get discovery, broad
24 discovery against the Estate and a bunch, in
25 actions that the Estate, that quite frankly

1 relaxed. Now, I submit that we meet either test.
2 We meet the reasonable apprehension test; we meet
3 the *MedImmune* test. But I do just want to note
4 that for the record.

5 THE COURT: Well, we had another lively
6 debate about that, because it seems to me that what
7 has happened is a lot of a patent context as I'm
8 coming to understand is being brought into the
9 copyright field and the test I will try and
10 articulate in my order is the one that the Court
11 adopts. And at this point I have not found that
12 there is any lack of allegations that are true to
13 meet any standard for apprehension of suit
14 sufficient to create a case or controversy.

15 Ms. Nelson, you want to have a final
16 word?

17 MS. NELSON: Yes, your Honor.

18 First of all, the covenant not to sue, it
19 is in my declaration that we had given an oral
20 indication to Mr. Falzone before the amended
21 complaint was filed. So, right, there is nothing
22 written but certainly they did have that
23 indication. Also to correct, there was no threat
24 against *Ulysses* or anything that James Joyce
25 himself ever wrote. The threats, if there were

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Georgina Galvan Colin, Court Reporter for the United States District Court for the Northern District of California, 280 South First Street, San Jose, California, do hereby certify:

That the foregoing transcript is a full, true and correct transcript of the proceeding had in Carol Loeb Shloss vs Sean Sweeney, et al., Case Number C-06-03718 JW, dated January 31, 2007, that I reported the same in stenotype to the best of my ability, and thereafter had the same transcribed by computer-aided transcription as herein appears.

Dated: 2/8/07



GEORGINA GALVAN COLIN, CSR
License Number 10723

Exhibit B

1 Maria K. Nelson (State Bar No. 155,608)
 2 mknelson@jonesday.com
 3 Anna E. Raimer (State Bar No. 234,794)
 4 aeraimer@jonesday.com
 5 JONES DAY
 6 555 South Flower Street
 7 Fiftieth Floor
 8 Los Angeles, CA 90071-2300
 9 Telephone: (213) 489-3939
 10 Facsimile: (213) 243-2539

11 Attorneys for Defendants
 12 SEÁN SWEENEY AND THE ESTATE OF JAMES
 13 JOYCE

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 **CAROL LOEB SHLOSS,**

17 **Plaintiff,**

18 **v.**

19 **SEÁN SWEENEY, in his capacity as**
 20 **trustee of the Estate of James Joyce, and**
 21 **THE ESTATE OF JAMES JOYCE,**

22 **Defendants.**

Case No. CV 06-3718 JW HRLx

**DECLARATION OF ANNA E.
 RAIMER IN SUPPORT OF
 DEFENDANTS' REPLY TO
 PLAINTIFF'S OPPOSITION TO
 DEFENDANTS' MOTION TO
 DISMISS, OR IN THE
 ALTERNATIVE TO STRIKE,
 CAROL LOEB SHLOSS'S
 AMENDED COMPLAINT**

Date: January 22, 2007
Time: 9:00 a.m.
**Judge: The Honorable James
 Ware**

1 I, Anna E. Raimer, hereby declare that:

2 I am an attorney at the law firm of Jones Day, counsel for Defendants Seán Sweeney and
3 the Estate of James Joyce (hereinafter “Defendants”), and I have personal knowledge of the facts
4 stated herein.

5 ***Quotations by Shloss from Material in which Stephen James Joyce Owns the Copyright***

6 In her book *Lucia Joyce: To Dance in the Wake*, Carol Loeb Shloss (“Shloss”) quotes
7 from all of the writings that she claims Stephen James Joyce prohibited her from using in her
8 book, including letters and unpublished manuscripts by Lucia Joyce, James Joyce, Nora Barnacle
9 Joyce, Giorgio (George) Joyce and Helen Kastor Joyce. See Shloss Decl. at ¶ 40. Attached
10 hereto as Exhibit A are the Notes from *Lucia Joyce: To Dance in the Wake*, which show Shloss’s
11 many uses of the writings in which Stephen Joyce owns the copyrights.

12 ***Quotations from Lucia Joyce’s Unpublished Manuscript “My Dreams” on Shloss’s Website***

13 On September 7-8, 2006, I visited the Harry Ransom Center in Austin, Texas to review
14 Lucia Joyce’s unpublished manuscript “My Dreams,” which was extensively quoted by Shloss on
15 her most recent website. “My Dreams” is a dream journal that was kept by Ms. Joyce, and it
16 contains 41 dreams and a short story apparently written by Ms. Joyce. On her website, Shloss
17 quotes from 20 of the 41 dreams described in the manuscript. Attached hereto as Exhibit B is a
18 list of the quotes from “My Dreams” in the order they appear on Shloss’s website, and the
19 “Dream No.” on the exhibit is the order of the dream as it appears in Lucia’s manuscript. The
20 mistakes made by Shloss in her reproduction of quotes from this manuscript are redlined in the
21 exhibit, and the portions in brackets are the parts of the dreams that were omitted from the quoted
22 material on Shloss’s website.

23 ***Alleged Deletions from Shloss’s Book that Are Included on Shloss’s Website***

24 The following analysis examines each of the quotations on Shloss’s website that were
25 allegedly deleted from her book *Lucia Joyce: To Dance in the Wake* as shown in Exhibit B to the
26 Declaration of David Olson submitted by Shloss in Support of her Opposition to the Motion to
27 Dismiss. A study of the “excised” passages shows that they are primarily repetitive of the
28 material that was included in the book, as described quote-by-quote below.

1 Chapter 1 “Deletions”

2 Quote No. 1: “Remembering your shapes and sizes on the pillow of your babycurls” This
3 first alleged omission from Shloss’s book on Lucia Joyce is a quote from James Joyce’s
4 *Finnegans Wake*. The website includes an allegedly deleted quote from *Finnegans Wake* at the
5 beginning of each chapter shown on the website. See Olson Decl., Ex. B. Shloss states in her
6 declaration that the “short snatches of *Finnegans Wake*” that she planned to include at the
7 beginning of each chapter were cut “to avoid any risk of litigation.” (Shloss Decl. at ¶ 45.)
8 Despite the claimed necessity of deleting these short quotations from *Finnegans Wake*, in Chapter
9 16 of Shloss’s book, Shloss includes a large number of quotations from *Finnegans Wake*. In fact,
10 on page 427 of the book alone (attached hereto as Exhibit C), Shloss quotes over 24 lines from
11 *Finnegans Wake*, which is approximately the *same* number of lines as the sum of all lines that
12 were allegedly omitted from the beginning of each chapter of Shloss’s book.

13 Quote No. 2: “Dormiva durante il giorno/Dormiva durante la notte” This quote appears
14 to be the final two lines of a song James Joyce sang to Lucia. These same lines already appear in
15 the quotation on this page and do not add anything further for the reader.

16 Quote No. 3: “Giorgio...spends his day pulling about papers, clothes and shoes. He is
17 cursed frequently by both his parents for mislaying the comb and the sponge or the towel or my
18 hat or shoes: and when asked where it is he points to the ceiling or the window and says ‘la!’”
19 This quote is from a letter written by James Joyce to his brother, Stanislaus Joyce, describing the
20 behavior of James Joyce’s son, Giorgio (George) Joyce, as a toddler. There appears to be no
21 purpose to including this quote in a book on Lucia Joyce and her relationship with her father.
22 Also, Shloss includes in her book at least 13 other quotes from letters James Joyce wrote to
23 Stanislaus Joyce in this chapter, making it clear that she was not inhibited from quoting from
24 these types of letters.

25 Quote No. 4: “‘Is there any fear of Georgie being rivaled at present’ she asked. ‘I hope
26 not. That would be the climax.’” This quote is from a letter written by Mrs. William Murray to
27 which neither Defendants nor Stephen Joyce have claimed a copyright. Thus, any “threats” made
28

1 by Stephen Joyce to Shloss could not have affected her decision to include this quotation in the
2 book.

3 Quote No. 5: "I am simply waiting for a little financial change which will enable me to
4 change my life. At the latest it will come at the end of two years but even if it does not come I
5 shall do the best I can. I have hesitated before telling you that I imagine the present relations
6 between Nora and myself are about to suffer some alteration." If one reads the paragraph
7 previous to the point at which this quote was allegedly cut, one would see that the same quotation
8 is actually included in that paragraph. Thus, Shloss did not cut this excerpt from a letter by James
9 Joyce – this same quote is included in the book on the same page.

10 Quote No. 6: "Are you annoyed?" he asked." It is unclear what these 3 words written by
11 James Joyce to his brother would add to the analysis on the conception of Lucia Joyce. If this
12 quote was crucial to Shloss's analysis, it is puzzling that she did not include it since, in the same
13 sentence from which this quote was allegedly cut, Shloss quotes from the letter that contains the
14 omission. This same letter is also quoted on page 43 of Shloss's book.

15 Quote No. 7: "[r]e-member there are three people now. And I suppose it will be worse
16 when there are four." This quote regarding the difficulties the family would face with an
17 additional member is redundant of other statements made in the paragraph, which includes
18 quotations that more specifically describe the family's financial status. Part of this same letter is
19 referenced in the previous paragraph, so Shloss did use this letter for some of her points.

20 Quote No. 8: "As for Nora and Georgie it seems to me easy to exaggerate. I suppose it
21 will hardly come to starvation point." In the highlighted portions of page 46 at which this quote
22 was allegedly cut, Shloss quotes several lines from the same letter. Thus, Shloss has already
23 quoted from the letter that was allegedly omitted, and the quote is redundant of the information
24 already included, which again speaks to the further financial expenses inherent in adding another
25 member to a family.

26
27
28

1 Quote No. 9: “We met and joined our bodies and souls freely and nobly and our children
2 are the fruit of our bodies. Good night, my dearest girl, my little Galway bride, my tender love
3 from Ireland.” Once again, in the same paragraph from which Shloss allegedly cuts this quote,
4 several lines from the same letter are already quoted. The omitted material appears to be the
5 closing of the letter. The seemingly pertinent material – that James Joyce does not want the
6 children to come between him and his wife, Nora – was included in Shloss’s text. The omitted
7 material, rather, is a very personal and intimate closing of a letter that adds nothing further to the
8 point already made.

9 Quote No. 10: “[T]ell that comical daughter of mine that I would send her a doll.” This
10 quote is already summed in the highlighted portion. Thus, Shloss’s reference to this letter, which
11 is quoted in the highlighted area, already supports the assertion that Joyce bought his daughter a
12 doll.

13 Quote No. 11: “C’era una volta, una bella bambina/Che si chiamava Lucia./Dormiva
14 durante il giorno/Dormiva durante la notte/ Perché non sapeva camminare./Perché non sapeva
15 camminare/Dormiva durante il giorno/Dormiva durante la notte.’ [Once upon a time there was a
16 beautiful little girl/Who was named Lucia./She slept all day/She slept all night/Because she didn’t
17 know how to walk./Because she didn’t know how to walk/She slept all day/She slept all night.]”
18 If one turns to the first page shown in chapter 1 on the website one can easily see that the majority
19 of this poem was, in fact, included in the book.

20 Quote No. 12: “[S]he sang that song; that was [her] song.” It is unclear why this one line
21 from James Joyce’s *A Portrait of the Artist as a Young Man* was omitted, but Shloss was never
22 prohibited from using such a line by Defendants or Stephen Joyce. It is also unclear how the
23 actual quote “He sang that song; that was his song” applies here.

24 Quote No. 13: “At two years old he sang operatic arias to the delight of the music loving
25 Italians. The proprietor of the café would gladly give the young couple a free meal for this treat.
26 Lucia a quiet, chubby little blue eyed baby toddled after her big brother...Giorgio was soon left to
27 take care of her while his mother and father went out carousing at night.” The highlighted portion
28 on this page summarizes and includes portions of the quote that was allegedly omitted. Thus, the

1 same information is included in the book and is supported by reference to the unpublished
2 manuscript by Stephen Joyce's mother, Helen Kastor Joyce.

3 Quote No. 14: "Frail the white rose and frail are/Her hands that gave/Whose soul is sere
4 and paler/Than time's wan wave./Rosefrail and fair-yet frailest/A wonder wild/In gentle eyes thou
5 veilest./My blueveined child." This quote is the entirety of a poem written by James Joyce for
6 which other scholars pay a fee to the Estate of James Joyce to use. (Shloss Decl., Ex. G.) Given
7 these circumstances, the entire poem was probably not quoted in the book due to copyright
8 infringement concerns. However, Shloss still quotes several lines from the poem and describes it
9 in detail on this page. The omission of the whole poem, thus, does not seem to take away from
10 her analysis.

11 Quote No. 15: "Of cool sweet dew and radiance mild/The moon a web of silence
12 weaves/In the garden where a child/Gathers the simple salad leaves./A moondew stars her
13 hanging hair/And Moon light kisses her young brow/And gather, she sings an air:/Fair as the
14 wave is, fair art thou!/Be mine, I pray, a waxen ear/To shield me from her childish croon/And
15 mine a shielded heart for her/Who gathers simples of the moon." As with quote No. 14, Shloss
16 allegedly cut the entirety of the poem "Simples" by James Joyce, which is also protected by a
17 copyright owned by Stephen Joyce. Still, Shloss quotes several phrases from the poem and
18 spends page 62 of her book describing her interpretation of the poem and its meaning.

19

20 Chapter 2 "Deletions"

21 Quote No. 16: "Though they're all but merely a schoolgirl yet these way went they." As
22 described in Quote No. 1, this alleged cut is another quote from *Finnegans Wake*.

23 Quote No. 17: "At first I was surprised that my father had made a name for himself but
24 then I got sort of used to the idea." Shloss quotes from the unpublished manuscript "My Life" in
25 the sentence prior to the place at which this quote from the same manuscript was supposedly
26 omitted. The sentences in quotes in the following paragraph on the same page are also quotes
27 from this manuscript, and the unpublished manuscript is directly quoted in other parts of Shloss's
28 book, including at pages 71, 91, 168, 202 and 219.

1 Chapter 3 “Deletions”

2 Quote No. 18: “Those first girly stirs.” This quote is merely four words from *Finnegans*
3 *Wake*, and Shloss more voluminously quoted from *Finnegans Wake* later in her book.

4 Quote No. 19: “I scarcely know him [Vail] though I think they met him or her
5 somewhere.” Shloss would add this quote for the proposition that the Joyces were “baffled” to be
6 invited to the wedding of Laurence Vail and Peggy Guggenheim. However, it does not make
7 sense to cite this letter from January 1920 supposedly about Vail to support the proposition that
8 Joyce did not know why he was invited to a wedding that occurred in March 1922. Even if Joyce
9 did not know Vail in 1920, he could still have become familiar with him and Ms. Guggenheim in
10 the 2 years prior to their wedding.

11
12 Chapter 4 “Deletions”

13 Quote No. 20: “Our pet pupil of the whole rythmetic class.” This quote is another line
14 from *Finnegans Wake* as discussed in Quote No. 1.

15 Quote No. 21: “Nora was always at pains to point out to the children that she and they
16 were of no interest to people, that they were only interested in ‘Himself.’” In looking at the
17 highlighted portion, one can see that the allegedly omitted quotation is partially quoted and
18 summed in the highlights. The highlighted area simply makes Shloss’s point more succinctly.

19 Quote No. 22: “Mr. Joyce is waiting for me in the dining room as I am now his self
20 appointed volunteer secretary. The large table is littered with notes and books of reference, with
21 encyclopedias. All the lights are burning brightly although the room itself is light and sunny.
22 Wearing an old white starched linen jacket, often stained with ink and sometimes with food,
23 Babbo was so nearly sightless that even eating was not easy for him. He would rise to greet me
24 as I entered. Nora would welcome me and then vanish into her own room. Lucia would wave to
25 me on her way to a dancing class.” Once again, the inclusion of the entire allegedly omitted
26 quote is unnecessary and would add nothing further to Shloss’s analysis. By paraphrasing and
27 quoting portions of this citation, Shloss informs readers that Helen Kastor Joyce considered
28 herself James Joyce’s “self appointed volunteer secretary,” and describes Helen’s interactions

1 with Nora and Lucia. The remainder of the quote that was not included is merely a description of
2 a room and James Joyce's appearance, which adds nothing to Shloss's description of Lucia going
3 to dancing classes – the point of the paragraph.

4

5 Chapter 5 “Deletions”

6 Quote No. 23: “And they leap so loopy, loopy as they link to light.” This quote was not
7 omitted from the book. It appears on pages 427 and 449 of Shloss's book.

8

9 Chapter 6 “Deletions”

10 Quote No. 24: “Dances arranged by Harley Quinn.” Despite having to allegedly cut this
11 quote from the book, Shloss cites from the same passage from *Finnegans Wake* on page 427 of
12 her book.

13

14 Chapter 7 “Deletions”

15 Quote No. 25: “And vamp, vamp, vamp, the girls are merchand.” This quote is also from
16 *Finnegans Wake* and discussed in Quote No. 1.

17 Quote No. 26: “‘to take care of Giorgio and Lucia while she [Nora] was confined to the
18 hospital,’ disingenuously referring to them as ‘the children.’” Quote Nos. 26-33 are taken from
19 unpublished manuscripts written by Stephen Joyce's mother, Helen Kastor Joyce. Rather than
20 include such detailed quotes with irrelevant information, the highlighted portions summarize the
21 quotes and state their meaning more clearly and succinctly. Shloss quotes amply from these
22 unpublished manuscripts to provide support for the more relevant assertions made in her book.
23 With specific regard to Quote No. 26, Shloss summarized and quoted this sentence fragment,
24 which is partially Shloss's own analysis, in the highlighted text on page 165 of her book.

25 Quote No. 27: “‘that he found [her] pleasant to look at. I felt happy,’ she wrote creating a
26 scene of seduction that was as replete with the machinations of fate as any Harlequin romance: ‘I
27 blushed like a school-girl. It as a happy night and nothing except perhaps a slight excited tingle
28 around the region of my heart warned me that this evening was to be a turning point in my

1 life...For all time [my fate] was to be inextricably woven with the destiny of the man I had met
2 that night.” See Quote No. 26. This passage is summarized and quoted in the highlighted portion
3 of Shloss’s text, though the manuscript quotation, as well as the part of the quotation that is
4 merely Shloss’s analysis of the manuscript, is irrelevant to Shloss’s book on Lucia Joyce.

5 Quote No. 28: “Standing tall and straight and looking young and very beautiful, he fixed
6 his dark blue eyes on mine with such intensity, I blushed and he began to sing a lovely old Italian
7 song, ‘Amaryllis.’ I thought I had never heard anything more lovely in my life. All his young
8 passionate soul rang out in the small room and stirred my senses and my heart. I knew, as his
9 father knew, that he was in love with me. Accustomed to having young men as well as men
10 nearer my own age attracted to me, still I was deeply moved. I gazed back with equal intensity
11 into his lovely Irish eyes and a new phase of my life, unknown to me, had begun. When his fresh
12 young bass baritone voice had faded away into the soft dark shadows of the room, the last
13 poignant ‘Amaryllis’ had been sung with so much passion, I was inwardly rather embarrassed. It
14 was surely obvious to everyone as to me, that Giorgio was very much interested in me. I
15 applauded loudly and went up to him to thank him for his lovely song. He flushed, and bowed in
16 his comely and old fashioned, yet so charming way.” See Quote Nos. 26-27. Again, Helen
17 Kastor Joyce’s detailed impressions upon meeting her future husband, Giorgio (George) Joyce,
18 are quoted and paraphrased succinctly in Shloss’s highlight text despite being irrelevant to
19 Shloss’s book on Lucia Joyce. Further, this description does not support any speculations made
20 by Shloss about Lucia Joyce in her book.

21 Quote No. 29: “perhaps the *dues ex machine* that was then shaping our ends. It was,’
22 Helen admitted, ‘the old game that I loved. But this boy was so young, so sweet. I did not want
23 to hurt him. Loving him would only bring him pain. I hoped he would get over it but not heartily
24 or sincerely. I really like his passionate adoration.” See Quote No. 26-28. Though Helen Kastor
25 Joyce’s personal and private thoughts have no relevance to Shloss’s book, half of this quote is
26 still included in the book as shown in the highlighted passage.

27

28

1 Quote No. 30: “the epitome of a lovely young wifehood and womanhood [with] great
2 charm and wit.” See Quote No. 26. As Shloss tell us in the highlighted portion that Helen
3 described Nora “as the model young wife, charming and witty,” this quote is redundant.

4 Quote No. 31: “His wife, Lillian, was Canadian by birth I think [she was English] and I
5 thought her very common. She spoke in a high pitched shrill voice with a sort of cockney accent.
6 her thin tense rather horselike face, her blonde string hair, her big teeth, her too thin body. I
7 found not at all attractive. Perhaps there was a reason for the antagonism I felt toward her. Dear
8 Lillian had been Giorgio’s first romance. I think she seduced him but perhaps that is unkind.
9 Certainly I never had any trouble getting him away from her.” See Quote No. 26. As with the
10 other parts of Helen Kastor Joyce’s manuscript, Shloss condenses and quotes this passage in her
11 book. Further, this rather detailed and rude description by Helen about Giorgio (George) Joyce’s
12 ex-lover adds nothing further to the book on Lucia Joyce.

13 Quote No. 32: “This was usually the best part of the party. Certainly the most
14 illuminating. Mrs. Joyce would begin by criticizing how all the other women looked and
15 behaved. Did you see...and so on down the list with hardly a kind word for anyone.” See Quote
16 No. 26. Again, this passage is summarized and quoted in part in Shloss’s text as highlighted on
17 the website.

18 Quote No. 33: “Babbo has my unconscious Calvary immortalized in the part of Finnegans
19 Wake known as ‘Anna Livia Plurabelle’ and the washerwomen gossiping by the river are
20 indubitably Nora and some friends of hers, eagerly ripping me apart and washing their own dirty
21 linen in the river while I (as Anna) swim happily and unconsciously downstream followed by
22 H.C. Earwicker. Babbo never told me and I stupidly never suspected that I was the heroine of
23 this masterpiece of prose and that he as H.C.E. was trying to catch my slim young form which
24 was chasing after Giorgio who in the book is the twin brothers...Dear Dirty Dublin is
25 passionately in the manner of a middle-aged man feeling love and life slipping through his
26 fingers, pursuing youth and beauty in the person of Anna.” See Quote No. 26. As shown in the
27 highlighted portion on the website, this quotation has been pared down, but it is still quoted and
28 interpreted by Shloss in her book.

1 Quote No. 34: "If Joyce's art followed life, then the life of his son followed art. 'Do as I
2 write, not as I do.' Ulysses was not only a fact in Giorgio's life; it was a script. He had found a
3 precursor in Blazes Boylan, even if the parent who had created the jaunty adulterer was
4 scandalized by his behavior. He had 'vicereversed' his father's use of Lillian Wallace as one of
5 the models for Molly Bloom." This quote is another speculation made by Shloss rather than
6 material on which Defendants own the copyright, and it is therefore irrelevant.

7 Quote No. 35: "very attractive and brilliant French writers and I flirted and ate and drank
8 a lot of good wine and had a perfectly wonderful time." Once again, this citation from Helen
9 Kastor Joyce's unpublished manuscript was quoted in part and summed in part in Shloss's text, so
10 the same material was already included in the book.

11
12 Chapter 8 "Deletions"

13 Quote No. 36: "Exceedingly nice girls can strike exceedingly bad times." This excerpt is
14 another quote from *Finnegans Wake* that is discussed in Quote No. 1.

15 Quote No. 37: "Lucia was very upset and depressed; she was suddenly left without an
16 occupation or a career, and nothing seemed to take its place." The highlighted portion on the
17 website is a sum of and includes parts of this entire quotation that was allegedly omitted. Again,
18 it appears Shloss prefers to put the quotes in her own words to restate the information in a way
19 that furthers her point to her readers.

20
21 Chapter 9 "Deletions"

22 Quote No. 38: "The kissingwold's full of killing fellows." Though Shloss cuts this
23 sentence (248.24) from *Finnegans Wake*, she includes quotes of other sentences within the same
24 passage of *Finnegans Wake* in chapter 16 of her book, including 248.26 (p. 436) and 248.31 (p.
25 439).

26 Quote No. 39: "Alec 'was certainly never in love with Lucia,' she wrote to Richard
27 Ellman in 1959. He was 'still in love with Hazel Guggenheim, with whom he had had an affair
28 for about three years. I believe she had left him and returned to London, or started another one of

1 her numerous affairs or marriages.” The only part of this allegedly omitted quote that is not
2 included in Shloss’s book is the further gossip on Hazel Guggenheim, which is irrelevant to
3 Shloss’s book.

4 Quote No. 40: “but apart from that they are also a family document of great value to me
5 and I regard their eventual loss in the same light as I should regard the loss of my onw mss, which
6 had cost me months of labor.” Almost the entirety of this quote is in fact included in the
7 highlighted area on the website.

8 Quote No. 41: “‘Unfortunately,’ he told Harriet Weaver, ‘she seems to have antagonized
9 a great number of people, including her immediate relatives and as usual I am the fellow in the
10 middle of the rain holding out both hands though whether she is right in her blunt outspokenness
11 or not is a question my head is too addled to answer.” As with Quote No. 40, almost the entirety
12 of this quote is included in the relevant highlighted area on the website, and the remainder not
13 included is summarized prior to the highlighting.

14 Quote No. 42: “He was a member of many learned societies: ‘Membre de la société de
15 pathologie comparée...de la Société anatomique...de l’association française pour l’étude du
16 cancer...de la Société de dermatologie et de syphiligraphie...de la Société d’électrothérapie et de
17 radiologie...de la Société de sexologie (membre fondateur, vice-president)...de la Société de
18 l’anesthésie de d’analgésie.’ He held military titles and medals of distinction. In 1930, for
19 example he had been named Lauréat de l’académie des sciences; in 1933 he had been elected an
20 Officier de la legion d’honneur. Not only was he honored for a distinguished career in public
21 service, but he was also recognized for his pioneering work in obstetrics, especially in problems
22 during pregnancy and anomalies of birth.” This quote was just pared down to omit the many
23 references to the various academic societies. Regardless, Defendants do not own the copyright in
24 this work.

25
26
27
28

1 Chapter 10 “Deletions”

2 Quote No. 43: “Grisly old sykos who have done our unsmiling bit on ‘alices when they
3 were yung and easily freudened.” As with the other chapter headings, this sentence is from
4 *Finnegans Wake* and such citations are discussed in Quote No. 1.

5 Quote No. 44: “We found Lucia after seven months of the clinic almost on the verge of
6 collapse. Utter despair. The doctor says [that] after all that time he can make no diagnostic.
7 They are helpless in the case. The only hold she seems to have on life is her affection for us...I
8 feel [sic] if she stays there she will simply fade out.” As can be seen from the highlighted portion
9 on the website, the paragraph preceding the highlighted text and the sentence following the
10 highlighted text, much of this allegedly cut quote is actually included in the text, either in
11 summary form or by direct quotation.

12 Quote No. 45: “pyrolyphics” We cannot know why one word from *Finnegans Wake*
13 would have been cut from the beginning of this subchapter while hundreds of others are included
14 elsewhere in Shloss’s text, but none of the other subchapters have a heading above them.

15 Quote No. 46: “commanding approaches to my intimast innermost” This quote was not
16 omitted. It is included in Shloss’s book on page 439.

17 Quote No. 47: “The normal is 5000 to 6000. She has 17,000 to 20,000. He has never
18 known another such case of constant leukocytes. This does not mean that she is anemic. She is
19 not. Anemia is a deficiency of red corposcles [sic]. Nor does it mean that she has leukemia-
20 white blood...” In reading the part of James Joyce’s letter that was quoted in Shloss’s book and
21 the portion of the letter that was allegedly omitted, it seems that the omitted part (Quote No. 47)
22 was done so purposely in order to emphasize the family’s concern that Lucia’s illness was related
23 to syphilis – another unsupported speculation made by Shloss in her text. If this quote was
24 included, it does not support Shloss’s assertion that the Joyces “thought that Lucia had syphilis,”
25 rather the inclusion of the excised material shows greater concerns of the Joyces, including
26 anemia and leukemia. The omission also provides more precise information on the tests given to
27 Lucia, including exact leukocyte counts, which would allow readers that are physicians or know
28

1 the meaning of such information to make their own diagnoses rather than to accept those of an
2 English professor.

3 Quote No. 48: "for his beautiful corssmess parzel" This quote at 619.04 of *Finnegans*
4 *Wake* was not included in Shloss's text; however, the following passages from *Finnegans Wake*
5 were included later in the book at pages 444-447: 619.08-09, 619.11, 619.12, 619.15, 619.16,
6 619.17, 619.23-24, 619.29 and 619.33.

7
8 Chapter 11 "Deletions"

9 Quote No. 49: "For a burning would is come to dance inane. Glamours hath moidered's
10 lieb and herefore Coldours must leap no more." This same quote is included in Shloss's book on
11 page 434.

12 Quote No. 50: "[i]n the form of mental or nervous malady she is subject to...the real
13 trouble is not violence or incendiarism or hysterics or simulated suicide. These are hard to deal
14 with but they prove that the person is still alive." This quote is unnecessary as Shloss paraphrases
15 it in the highlighted portion and then cites to the letter from which it came. The deletion makes
16 the passage more fluid and the sentence read better.

17
18 Chapter 12 "Deletions"

19 Quote No. 51: "The pose of the daughter of the queen of the Emperour of Irelande." As
20 previously discussed, this heading is another sentence omitted from *Finnegans Wake*.

21 Quote No. 52: "Giorgio is well now, Helen very well, and their child tremendously well."
22 Instead of quoting this letter, Shloss states, "Joyce wrote on 7 April, to tell her that her brother
23 and his family were well..." It is unclear what the addition of this quote would add to the text.
24 Further, this letter is directly quoted in the same paragraph, so Shloss clearly believed she could
25 quote from it.

26 Quote No. 53: "Why do you consider Lucia's daily walks round Dublin so undesirable?
27 She is after all a woman of twenty eight and walking is a good exercise." Rather than use James
28 Joyce's exact words in the excised quote, Shloss instead sums up his feelings, which makes the

1 passage flow better. Nothing has been lost by the omission of this quote, and Shloss cites the
2 reference to back up her assertion that Joyce was baffled with there being a problem that Lucia
3 was taking daily walks around Dublin.

4
5 Chapter 13 "Deletions"

6 Quote No. 54: "She sideslipped out by a gap in the Devil's glen while Sally her nurse was
7 sound asleep." The allegedly deleted sentence is another *Finnegans Wake* quote that Shloss or
8 her publishers chose to omit.

9 Quote No. 55: ("three years are but are but [sic] a moment in the life of an ocean") and
10 "remounds the salty water full of weeds and smiling happily." Most of this allegedly omitted
11 quote was included in the text as can easily be seen from the highlighted portion. Further, Shloss
12 quotes another sentence from the same letter later in the paragraph.

13 Quote No. 56: "The instant I touched her hand...I knew some change had set in." Rather
14 than directly quoting this allegedly excised passage, Shloss states, "the moment he embraced her
15 after seven months at Prangins he knew that Lucia had changed." Thus, by summarizing instead
16 of quoting the letter, Shloss is better able to make her point of the closeness of James Joyce and
17 his daughter because she uses exaggeration (i.e., the reality of "touched her hand" v. Shloss's
18 interpretation "he embraced her"). Further, in the very next sentence, Shloss quotes a longer
19 passage from a different letter James Joyce wrote to Constantine Curren the following month, so
20 Shloss did quote from such materials.

21 Quote No. 57: "I have to pay the following bills immediately if not sooner." It is unclear
22 what the difference is between this omitted quote and Shloss's text that reads "He then listed the
23 bills that had to be paid 'immediately if not sooner.'" They are virtually the same and inclusion
24 of such a quote would have been repetitive.

25 Quote Nos. 58: "'Mr. Joyce did not like to leave Paris as he was always most punctilious
26 about his visits to his daughter. He always went out directly after lunch every Sunday afternoon.
27 I never accompanied him,' she said, 'but from his description of what went on I could form a
28 vivid and very tragic picture.'" This allegedly omitted quote and Quote No. 59 below are from

1 Helen Kastor Joyce's unpublished manuscript "A Portrait of the Artist by His Daughter-in-Law."
2 Shloss takes these detailed quotes and pares them down, summarizing and quoting from them,
3 into the text that is highlighted on the website, as well as the several sentences following the
4 highlighted portion.

5 Quote No. 59: "He would wait for her in the little parlor of the sanitarium. From my
6 knowledge of French salons...I can picture the scene. The small dark, overcrowded salon, the
7 thin, dark-haired girl and the slender man with the thick glasses. She would greet him as a rule
8 with pleasure. He would always bring her some gift, candy or fruit or sometimes a present of
9 some sort, once a wristwatch, I remember. They would talk for a while. She would ask about her
10 mother and about Giorgio and me and Stephen. Then he or she would sit down at the piano and
11 play and they would both sing. Sometimes they would dance together, and this to me is a terrible
12 and fantastic picture. Babbo would tell us that they would dance with wild abandon together.
13 Then would come the time when he had to go and a nurse would come to lead Lucia away.
14 Babbo would return in the taxi, which he had kept waiting...in a state of complete exhaustion,
15 near collapse. At dinner that evening at Fouquets he would tell us of the visit, eating almost
16 nothing and drinking his usual succession of bottles of Swiss wine." See Quote No. 58. The parts
17 that Shloss does not include of this omitted quotation are Helen's speculations about what
18 occurred when James Joyce visited his daughter at the sanitarium. Instead, Shloss, it would seem
19 purposefully, includes what James Joyce said about of his visits and Helen's observations as to
20 James Joyce's state after his return home from these visits.

21 Quote No. 60: "It is rather curious that the two men in whom poor Lucia tried to see
22 whatever she or any other woman or girl is looking for" This quote is summed up in the
23 highlighted text. Further, several sentences from the letter containing the excised quote are
24 directly quoted following the highlighted portions. Thus, Shloss did quote from this letter.

25
26 Chapter 14 "Deletions"

27 Quote No. 61: "arms appeal with larms, appalling, Killykillkilly: a toll, a toll." This
28 phrase is another quote from *Finnegans Wake* as described in Quote No. 1.

1 Quote No. 62: "Babbo would tell us that they would dance with wild abandon
2 together...And this to me is a terrible and fantastic picture." This quote was not omitted from
3 Shloss's book as it appears on page 379.

4 Quote No. 63: "'Che bello, che bello' had been her sarcastic response to Giorgio's rare
5 Sunday visits to Ivry." It is unclear as to what this quote is referring. Though the citation is to
6 *Finnegans Wake*, the passage must be Shloss's own speculations since Giorgio did not visit Ivry
7 on Sundays in *Finnegans Wake*. This omission of this quotation is therefore irrelevant.

8 Quote No. 64: "'mais je suppose que les autorites occupants accorderaient sans
9 difficulte la permission pour le transfert d'une maladesi je pourrais l'arranger' [I supposed that
10 there will be no difficulty with the occupying authorities granting permission.]" This quote is
11 already translated and summarized by Shloss in the paragraph from which it was allegedly cut.
12 Thus, it would be redundant if included.

13
14 Chapter 15 "Deletions"

15 Quote Nos. 65: "Isolade, Liv's lonely daughter." As with the previous allegedly cut
16 chapter headings, this quote is from *Finnegans Wake* per the discussion at Quote No. 1.

17
18 Chapter 16 "Deletions"

19 Quote No. 66: "I will write down all your names in my gold pen and ink. Everyday,
20 precious, while m'm'ry's leaves are falling deeply." See Quote No. 65 above.

21 Quote No. 67: "...Once/And for all, I'll have no college swankies (you see, I am
22 well/Voiced in love's arsenal and all its overtures from collion boys/To colleen bawns so I have
23 every reason to know that rogues'/Gallery of nightbirds and bichfanciers, lucky duffs and
24 light/Lindsays, haugty hamiltons and gay gordons, dosed, doctored/And otherwise, messing
25 around skirts and what their fickling intentions/Look like, you make up your mind to that)
26 trespassing/On your danger zone in the dancer years." Part of this passage from *Finnegans Wake*
27 – the more material portion outside of the parentheses – is quoted in Shloss's book.


28

1 Quote No. 68: "The river of lives, the regenerations of the incarnations." This final
2 allegedly omitted quote is also from *Finnegans Wake*. See Quote No. 1.

3
4 Summary of Analysis

5 In sum, the analysis above illustrates that the majority of the alleged omissions were
6 actually paraphrased or quoted in Shloss's book. Further, a reading of the allegedly excised
7 material shows that it does not provide any additional support for the many speculations made in
8 Shloss's book, namely, Shloss's main thesis that Lucia had a "creative partnership" with James
9 Joyce and colluded in the creation of *Finnegans Wake*. See, i.e., pages 6, 10, 32, 288-90 and 298
10 of *Lucia Joyce: To Dance in the Wake*. Furthermore, the omitted material does not support
11 Shloss's other suggestions made in *Lucia Joyce: To Dance in the Wake* that: 1) an incestuous
12 relationship took place between Lucia Joyce and her brother Giorgio (pp. 71-72 and 336); 2) an
13 incestuous relationship may have occurred between Lucia Joyce and her father (pp. 429-30 and
14 443-44); 3) Lucia contracted a sexually transmitted disease (pp. 275-76); 4) Lucia had an abortion
15 (pp. 193, 257, 435 and 431); 5) Lucia was a drug addict (p. 340); 6) Lucia was not really mentally
16 ill (pp. 31-32); 7) James Joyce was the only family member to care about Lucia (pp. 7, 407 and
17 409); or 8) the story of Lucia and James Joyce "is one of the great love stories of the twentieth
18 century" (p. 4). The omitted material provides absolutely no support for any of these outrageous
19 assertions for which Shloss's book was criticized.

20
21 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
22 8th day of January 2007 at Los Angeles, California.

23
24 By: 
25 Anna E. Raimer

26 Counsel for Defendants
27 SEÁN SWEENEY AND THE ESTATE OF
28 JAMES JOYCE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28