

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BLACKWELL PUBLISHING, INC.,
ELSEVIER, INC.,
OXFORD UNIVERSITY PRESS, INC.,
SAGE PUBLICATIONS, INC., and
JOHN WILEY & SONS, INC.,

Civil Action No. 07-CV-12731

Plaintiffs,

Hon. Avern Cohn

vs.

Mag. Morgan

EXCEL RESEARCH GROUP, LLC d/b/a
EXCEL TEST PREPARATION,
COURSEPACKS, & COPIES and
NORMAN MILLER, individually,

Defendants.

**SECOND DECLARATION OF WILLIAM S. STRONG IN SUPPORT OF
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, William S. Strong, counsel for plaintiffs in this action, hereby under oath
declare as follows:

1. On February 23, 2009, I sent the e-mail attached hereto as Exhibit A to
defendants' counsel, David Nacht, Esq., stating that the license between the University of
Michigan (the "University") and SAGE became effective after the reproductions alleged
in the Amended Complaint. Its effective date, December 31, 2006, is at the top of the
first page.

2. On March 12, 2009, I sent Mr. Nacht the e-mail attached hereto as Exhibit B,
advising him that the Oxford University Press ("OUP") books identified in the Amended
Complaint as being infringed have at no time been subject to the license between OUP

and the University, that they are no other license agreements in effect between OUP and the University regarding these books, and that although OUP has licensed two of the books at issue to ebook vendors such as netLibrary, none of those ebook vendors is permitted to authorize its sublicensees to download and reproduce content of the licensed books.

3. Some of this same information was set forth in OUP's written discovery responses served on defendants on March 16, 2009, a copy of which is attached hereto as Exhibit C.

4. Mr. Nacht never challenged this information or sought discovery with respect to it.

5. On January 29, 2009, defendants served 30(b)(6) deposition notices on each of the five plaintiffs. Defendants re-noticed the depositions of John Wiley & Sons, Inc. and Elsevier, Inc. on April 3 and 9, 2009, respectively. See deposition notices attached collectively hereto as Exhibit D.

6. As may be seen, these deposition notices did not include topics concerning what uses could be made of hard copies of journals and books in the holdings of the University of Michigan library.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA.

August 3, 2009
Date

/s/ William S. Strong
William S. Strong, Esq.