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UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

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 :
 VADIM MIKHLYN, INGA MIKHLYN, and :
 ABC ALL CONSULTING, INC. :
 :

Plaintiffs :
 :

-against- :
 :

08 CV. 03367 (ARR-RER)
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ANA BOVE, POLINA DOLGINOV :
 ANNA BOVE COMPANY, LLC, :
 ANA BOVE COLLECTIONS, INC. :
 and ANNA BOVE EMBROIDERY SUPPLIES, INC. :
 :

Defendants. :
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ANA BOVE, ANNA BOVE COMPANY, LLC, and :
 ANNA BOVE EMBROIDERY SUPPLIES, INC., :
 :

Counter-Plaintiffs, :
 :

-against- :
 :

VADIM MIKHLYN, INGA MIKHLYN and :
 ABC ALL CONSULTING, INC., :
 :

Counter-Defendants. :
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**DECLARATION OF INGA MIKHLYN IN OPPOSITION TO DEFENDANTS'
 MOTIONS TO REMOVE "ATTORNEYS EYES ONLY" FROM QUICKBOOKS, TO
 DIVIDE THE CASE INTO TWO SEPARATE LITIGATIONS AND FOR AN
INDEPENDENT FINANCIAL AUDIT**

Inga Mikhlyn declares the following to be true under penalty of perjury:

1. I am a plaintiff in this action along with my husband, Vadim, and our corporation ABC All Consulting, Inc. I submit this Declaration in opposition to defendants' three motions to remove "Attorney Eyes Only" from QuickBooks, to divide the case into two separate litigations and for an independent financial audit.

2. I make this Declaration on personal knowledge.

3. I have been using the QuickBooks software on a daily basis for approximately the last fourteen years. I am familiar with QuickBooks' various features and options.

4. The QuickBooks file which our attorneys produced on April 6, 2010, to defendants under the "Attorney Eyes Only" protection contains highly sensitive, confidential business information which could be very damaging if obtained and used by defendants, our competitors.

5. First, the information contained in this QuickBooks file is customer information. Every time we received a check (as opposed to electronic payment) I entered the information of the sender (name, phone and address) in QuickBooks. If the customer found us through eBay, then I would also enter their eBay username into QuickBooks. If the defendants obtain unrestricted access to QuickBooks, then they would be able to contact these

customers by telephone and/or postal mail and/or their eBay usernames.

6. Another class of information contained in this QuickBooks file is the business' purchasing history. This information includes how much supplies were bought, for what price, when, from whom, who is used to digitize the designs, and how much we pay them. I use this information to track which supplies are profitable, which supplies sell better than others, etc. Besides the fact that Ana may not have the contact information of the suppliers the business uses, she certainly does not know the prices the business pays, and which supplies sell better than others. Any of this information would give her a palpable, perhaps even fatal, advantage over our business.

7. That file also contains the social security numbers of various people who worked for ABC Consulting, Inc. in various capacities, during the time that we were in business with Ana and after.

8. After obtaining my and Vadim Mikhlyn's social security numbers, Ana Bove filed 1099 for four years, claiming that we were her independent contractors, contrary to her pleadings and sworn declarations in this case, which say we were her employees.

9. We are now challenging these baseless filings with the Internal Revenue Service, at a great expense to ourselves.

10. I am afraid that Ana Bove will file and serve frivolous 1099s on these people, saying (as she keeps repeating) that this was entirely her business and that she is "compelled by law" to file these 1099s. Such filing by Ana will result, at a minimum, in confusion in the Internal Revenue Service and the necessity of these people to challenge these filings, or, possibly, in wrongful tax liabilities being assessed against them.

11. The redaction of this massive data file to exclude the commercially sensitive information is a burdensome, painstaking process which would take me many days to complete. I would have to find each social security number, each purchase order, each customer and delete the information line by line.

12. During the course of discovery we provided defendants with the entire set of the business' bank accounts, our personal bank accounts, all tax documents from all years, business and personal, invoices, PayPal records and 2checkout records, among other financial documents too numerous to list. There is nothing in QuickBooks that they need to defend against our claims or prosecute their own.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
September 17, 2010


INGA MIKHLIN