

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN WILEY & SONS, INC.,

Plaintiff

-against-

SUPAP KIRTSANG D/B/A BLUECHRISTINE99
and JOHN DOE NOS. 1-5,
Defendants

08 CV 7834

Lynch, G, USDJ

_____X

DECLARATION OF SAM P. ISRAEL
IN OPPOSITION TO MOTION FOR
ATTACHMENT AND PRELIMINARY INJUNCTION

Sam P. Israel, pursuant to 28 U.S.C. § 1746, declares under penalties of perjury that the following is true and correct:

1. I am a member of this Court in good standing and my firm is counsel to defendant Supap Kirtsaeng, in this matter. I submit this declaration upon my own personal knowledge, together with the declaration of Supap Kirtsaeng and opposing memorandum of law, in opposition to the motion (the “**Motion**”) of Plaintiff John Wiley & Sons, Inc., (“**Plaintiff**” or “**Wiley**”) seeking an order of attachment as well as a preliminary injunction.
2. I make this declaration to submit true and correct copies of certain documents to the Court for its consideration in deliberations on the Motion, as well as to place before the Court certain unofficially reported decisions.
3. Exhibit 1 hereto consists of a true and correct copy of the Decision of the District Court for the Southern District of New York in Original Appalachian Artworks, Inc. v.

Granada Electronics, Inc., 1986 U.S. Dist. LEXIS 29114 (S.D.N.Y. Feb. 20, 1986).

4. Exhibit 2 hereto consists of a true and correct copy of the Plaintiff's interrogatory responses.

5. Exhibit 3 hereto consists of a true and correct copy of the Decision of the District Court for the Southern District of New York in Lehman Bros. Fin. S.A. v. Shenkman, 2001 U.S. Dist. LEXIS 13446 (S.D.N.Y. Aug. 31, 2001).

6. Exhibit 4 hereto consists of a true and correct copy of the Decision of the District Court for the Eastern District of New York in Encore Credit Corp. v. Lamattina, 2006 U.S. Dist. LEXIS 2935 (Jan. 18, 2006 E.D.N.Y.).

7. Exhibit 5 hereto consists of a true and correct copy of the Decision of the District Court for the Southern District of New York in General Re Fin. Prods. Corp. v. Southern Cal. Edison Co., 2001 U.S. Dist. LEXIS 1117, 2-3 (S.D.N.Y. Feb. 8, 2001).

8. Exhibit 6 hereto consists of a true and correct copy of the Decision of the District Court for the Eastern District of New York in Colon v. Cole Bros. Circus, Inc., 2007 U.S. Dist. LEXIS 76473, 7-8 (Oct. 12, 2007 E.D.N.Y.).

9. Exhibit 7 hereto consists of the Defendant's Interrogatory Responses.

10. For reasons set forth in the accompanying memorandum of law, I respectfully submit that the Motion should be denied in its entirety and the Court should grant such other and further relief that it deems just and proper.

New York, New York

May 6, 2009

By: s/ _____

Sam P. Israel (SPI0270)

