

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

JOHN WILEY & SONS, INC., :

Plaintiff, :

-against- : 08 Civ. 7834 (GEL)

SUPAP KIRTSANG D/B/A : ECF Case

BLUECHRISTINE99 AND JOHN :

DOE NOS. 1-5, :

Defendants. :

- - - - -x

DECLARATION OF WILLIAM DUNNEGAN IN SUPPORT
OF PLAINTIFF'S MOTION TO ADJUDGE DEFENDANT
AND BANK OF AMERICA IN CONTEMPT OF THE
APRIL 27, 2009 TEMPORARY ORDER OF ATTACHMENT

WILLIAM DUNNEGAN hereby declares pursuant to 28 U.S.C.
§ 1746 that the following is true and correct.

1. I am a member of the bar of this Court and the
law firm of Dunnegan LLC, attorneys for plaintiff John Wiley
& Sons, Inc. ("Wiley") in this action.

2. I am making this declaration in support of
Wiley's application to adjudge defendant Supap Kirtsaeng
("Kirtsaeng") and Bank of America in civil contempt of this
Court's April 27, 2009 temporary order of attachment ("Temporary
Order of Attachment"), a copy of which is annexed as Exhibit A.

3. On April 27, 2009, the Court entered the
Temporary Order of Attachment that attached Kirtsaeng's accounts

at Bank of America and enjoined Kirtseng, and all those in active concert with him who received actual notice of the order, from transferring or withdrawing any funds from his Bank of America account.

4. On April 27, 2009, at 4:10 p.m., I served by hand a copy of the Temporary Order of Attachment on Bank of America at its branch at 350 Fifth Avenue, New York, New York, and received a receipt. A copy of that receipt from Bank of America is annexed as Exhibit B.

5. On April 27, 2009, at 4:22 p.m., Laura Scileppi, my associate, served a copy of the Temporary Order of Attachment on Mr. Sam Israel, counsel for Kirtseng, by e-mail. A copy of that e-mail is annexed as Exhibit C.

6. On April 28, 2009, Kirtseng withdrew \$6,400 in U.S. Currency from his Bank of America account. A copy of the subpoenaed statement of Bank of America showing this withdrawal is annexed as Exhibit D.

7. Despite this withdrawal, Bank of America represented to us by letter dated April 29, 2009 that there was \$1.05 that was attached as a result of the Temporary Order of Attachment, that it received on April 27, 2009. A copy of that letter is annexed as Exhibit E. Bank of America did not otherwise disclose that it allowed Kirtseng to withdraw \$6,400

in U.S. Currency after Bank of America had received the Temporary Order of Attachment.

8. Based upon this representation of the Bank of America that \$1.05 had been attached, Wiley withdrew its application for attachment of the account.

9. We then served a subpoena on Bank of America concerning Kirtsaeng's account.

10. By letter dated June 12, 2009, after we received the subpoenaed records from Bank of America, we wrote to Mr. Israel and Bank of America, stating that we would initiate contempt proceedings if we did not receive a satisfactory response by the close of business on June 16, 2009. We have not received any response from either of them.

I declare under penalty of perjury that the foregoing is true and correct.

Executed June 18, 2009.


William Dunnegan