

**SAM P. ISRAEL, P.C.**

1 LIBERTY PLAZA  
23RD FLR  
NEW YORK, N.Y. 10006

TEL: (212) 201-5345

FAX: (212) 201-5343

E-MAIL: SMISRAEL@AOL.COM

SAM P. ISRAEL, ESO.

Hon. Donald Pogue  
U.S. Court of International Trade  
One Federal Plaza  
New York, New York 10278-0001

August 5, 2009

Re: Wiley & Sons v. Kirtsaeng, et. al., 08 Civ. 7834

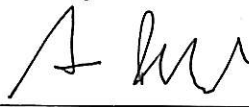
Dear Judge Pogue:

On behalf of Supap Kirtsaeng, the defendant in the above referenced matter, I write in connection with a letter from Plaintiff's counsel of even date. While the Pre-trial Order in this case does indeed designate August 21, 2009 as a trial date it was my understanding—from having appeared before Judge Lynch when the date was selected—that this was an interim date and that the actual trial would occur later, perhaps toward the end of this year. At the most recent case conference, Judge Lynch expressed uncertainty as to whether he would even remain assigned to the matter and assumed that the incoming Judge would schedule the trial so as to comport with his/her schedule; Judge Lynch also referred to the Court's congested docket and the relative freshness of this case.

In fact, opposing counsel is well-aware of our understanding in this regard, the schedule having been a subject of our discussions. The Plaintiff's counsel also well knows that we will not be prepared to proceed on that date. In short, the Plaintiff's current suggestion that the case was to proceed on the 24<sup>th</sup> of this month comes as a surprise and one which catches us at a considerable disadvantage. Among other things, at present I have a trial scheduled to commence that week (August 24, 2009) in the Bankruptcy Court for the District of New Jersey.

Of course I will comply with the Court's directive and remain available to address this or any other matters at Your Honor's pleasure.

Respectfully submitted:

By: 

Sam P. Israel (SPI0270)

Cc. William Dunnegan, Esq.