

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>John Wiley & Sons, Inc.,</p> <p style="text-align: center;"><u>Plaintiff,</u></p> <p style="text-align: center;">-v.-</p> <p>Supap Kirtsaeng d/b/a BlueChristine99, et al.,</p> <p style="text-align: center;"><u>Defendants.</u></p>
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Civil Action No. 08 Civ. 7834
(GEL) (DCP)

Order

ORDER SETTING EVIDENTIARY HEARING

In consideration of the Plaintiff's Motion to Adjudge Defendant Supap Kirtsaeng in Contempt of the April 27, 2009, Temporary Attachment Order, and Defendants' Opposition filed in response thereto, it is hereby

ORDERED that an evidentiary hearing on the above matter shall be scheduled for 11 a.m., October 28, 2009 in courtroom #2 of the U.S. Court of International Trade. Discovery shall close on October 7, 2009.

It is FURTHER ORDERED that, on or before October 14, 2009:

- (1) The parties shall cooperate in the exchange of all documents incidental and related to the matter at issue and file an Exhibit List identifying all exhibits to be offered at the time of the evidentiary hearing and simultaneously providing the court a courtesy copy of the exhibits and

Exhibit List. Unless an objection is noted on the Exhibit List, exhibits will be admitted without further testimony. Any objections noted on the list as to the admissibility of a specific exhibit will be resolved prior to use of the exhibit. All exhibits upon which there is an agreement as to admissibility shall be pre-marked. *No other documents will be admitted at the time of the evidentiary hearing unless counsel shows cause for their prior non-disclosure pursuant to this order. Mere inability to timely locate documents shall not constitute cause.*


(2) The parties shall consult for the purpose of identifying witnesses, if any, necessary for the evidentiary hearing. Proposed witnesses shall be identified in a statement filed with the court by September 16, 2009.

(3) The parties shall consult with regard to the need for pre-hearing depositions of any individual who has submitted an affidavit or expert's report. Any such deposition shall be scheduled prior to October 7, 2009.

(4) To the extent the parties agree to present their case upon stipulated facts and without live testimony, all or in part, the parties shall file their stipulation setting forth all of the agreed upon facts to be relied upon by the court in rendering its decision.

(5) The parties will be permitted oral argument at the close of this hearing.

It is FURTHER ORDERED that failure by any party to comply with any terms of this order will result in the imposition of sanctions on said party by, inter alia, reprimand, fine, prohibition against said party for offering testimony and/or dismissal.


Donald C. Pogue, Judge¹

Dated: September 1, 2009
New York, New York

¹Judge Donald C. Pogue of the United States Court of International Trade, sitting by designation.