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SAM P. ISRAEL, ESQ.

BY HAND

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

September 30, 2009

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

Dear Judge Pogue:

On behalf of Supap Kirtsang, the defendant in the above referenced matter, I write this letter in response to the latest by the Plaintiff's counsel. The Plaintiff's counsel is playing games with me and with the Court. On Monday, at around noon, I transmitted a draft of the proposed pre-trial order to opposing counsel for review and anticipated filing the next day. At five pm, the following day—yesterday—I received an email from opposing counsel attaching a further revised copy (this one in pdf format) advising me that it would be filed in one half hour and that I better call immediately with any corrections if I wanted them included prior to filing.

Meanwhile the document contained a whole new section on the *First Sale* defense—which, as the Court knows—is a key element of the submission. I requested a version in WORD so that I could make additions, which counsel ultimately supplied. Approximately twenty minutes later I transmitted a signed pdf of the document with my revisions and a WORD markup of same. Next, I was told that because Plaintiff's counsel did not trust my redlining, they were going to file their version and simply cut and paste my signature into their draft without my revisions.

I am sure that your Honor would agree that this was an unfair approach, not to mention an insulting one.

Next, I was told that counsel would give me “another chance” by allowing me to hand-write in my changes so that they could supervise their insertion into the document. I

told Plaintiff's counsel to review the redline version. I then received their email an hour or two later wherein I was accused of causing the submission to be filed late.

With respect to the computer consultant issue: I supplied an affidavit of my computer consultant, not because I had to, but in order to put an end to the accusations that somehow I did something wrong with respect to my client's withdrawal of funds. The affidavit was to put an end to the inquiry not to open new vistas of investigation into my life.

Imagine if every time a client is accused of being in contempt of court, we were to investigate his lawyer's alleged role in the contempt. This has gone far enough. There is no need for the ongoing empty accusations aimed at me personally—nor for the Plaintiff's counsel's continuing insults; they are offensive, uncivil and needlessly time consuming.

I respectfully request that Your Honor reign in this witch hunt so that we may devote our efforts to more fruitful pursuits, such as litigating the merits of the underlying claims.

Respectfully submitted:

By: 

Sam P. Israel (SPI0270)

Cc. William Dunnegan, Esq.