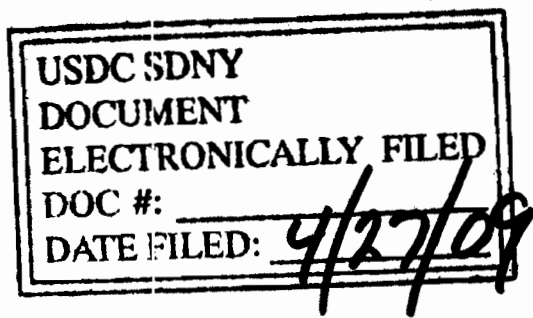


LYNEH, J

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

ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION  
AND PREJUDGMENT ATTACHMENT AND ORDER OF ATTACHMENT

Upon the annexed declarations of Patrick Murphy,  
sworn to April 24, 2009, and Laura Scileppi, sworn to April 27,  
2009, and all prior proceedings herein, it is hereby

John Wiley & Sons, Inc. v. Supap Kirtsang et al

Doc. 5

ORDERED that defendant Supap Kirtsang ("Kirtsang")  
SHOW CAUSE before Hon. Gerard E. Lynch, United States District  
Judge, in Courtroom 6B of the Daniel Patrick Moynihan United  
States Courthouse, 500 Pearl Street, New York, New York 10007,  
at 4:00 p.m. on MAY 8, 2009, or as soon thereafter as  
counsel may be heard, why an order should not be entered:

(i) Pursuant to Rule 65 of the Federal Rules of  
Civil Procedure, preliminarily enjoining Kirtsang, his agents,  
servants, employees, and attorneys and all persons in active  
concert or participation with them who receive actual notice of

this order, from infringing the registered copyrights of plaintiff John Wiley & Sons, Inc. ("Wiley") in violation of 17 U.S.C. § 501 through the sale of editions of Wiley's books printed outside of the United States and not authorized for sale in the United States;

(ii) Pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure and CPLR § 6201, attaching all accounts of Kirtsaeng at PayPal, Inc., Bank of America, and M&T Bank and enjoining Kirtsaeng, his agents, servants, employees, and attorneys and all persons in active concert or participation with them who receive actual notice of this order, from transferring or withdrawing any funds from those accounts pending a further order of this Court; and

(iii) Granting such other and further relief as to the Court may seem just and proper.

The Court makes the following preliminary findings of fact and conclusions of law on Wiley's application for an immediate order of prejudgment attachment.

1. This is an action for money damages.
2. Kirtsaeng is a non-domiciliary of this State.
3. Kirtsaeng has transferred over \$188,000 from his PayPal, Inc. account since notice of the initial pretrial conference in this action. Kirtsaeng had not previously withdrawn any money from that account since September 23, 2008.

4. An order of attachment is an appropriate exercise of the Court's discretion, as it is necessary to ensure that any judgment Wiley obtains in this action is satisfied.

ORDERED that, pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure and New York CPLR §§ 6201 and 6210, pending the hearing on Wiley's application for an order of prejudgment attachment, it is hereby ordered that the funds of Kirtsaeng at PayPal, Inc., Bank of America and M&T Bank be, and hereby are, attached and Kirtsaeng, his agents, servants, employees, and attorneys and all persons in active concert or participation with them who receive actual notice of this order, be, and hereby are, enjoined from transferring or withdrawing any funds from those accounts pending further order of the Court.

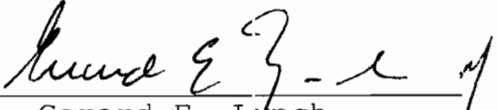
Counsel for Wiley shall serve a copy of this order and the papers upon which it was granted by hand on counsel of record for Kirtsaeng on or before 12 p.m. on April 29, 2009.

Opposition papers shall be served by hand on counsel of record for Wiley on or before 12 p.m. on MAY 4, 2009.

Counsel for Wiley shall serve reply papers, if any,

on counsel of record for Kirtsaeng on or before 5 p.m. on MAY  
6, 2009.

Dated: April 27, 2009  
Issued at 2:00 p.m.

  
\_\_\_\_\_  
Gerard E. Lynch  
United States District Judge

Security in the amount of \$ 10,000  
will be posted by 5:00 p.m., April 28, 2009.