

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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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. :

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PRELIMINARY INJUNCTION AND
ORDER OF PREJUDGMENT ATTACHMENT

Plaintiff John Wiley & Sons, Inc. ("Wiley") has moved for a preliminary injunction against defendant Supap Kirtsaeng ("Kirtsaeng") and for an order of prejudgment attachment of Kirtsaeng's PayPal, Inc., Bank of America, and M&T Bank accounts. In support of its motion, Wiley has submitted declarations of Patrick Murphy and Laura Scileppi.

The Court hereby finds with respect to Wiley's motion for a preliminary injunction that:

1. Wiley is likely to suffer irreparable harm as a result of Kirtsaeng's continued sale of Foreign Editions of Wiley's works during the pendency of this action.

2. Wiley has demonstrated a likelihood of success on its claim for copyright infringement based upon Kirtsaeng's sale of Foreign Editions of Wiley's works in the United States.

3. The balance of the equities tips in favor of the granting of a preliminary injunction.

The Court hereby finds with respect to Wiley's motion for an order of attachment that:

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 he received on January 5, 2009 notice of the initial pretrial conference in this action.
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.

IT IS THEREFORE ORDERED that:

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Kirtsaeng, his agents, servants, employees and attorneys, and all those in active concert or participation with them who receive actual knowledge of

this order, are preliminarily enjoined from infringing pursuant to 17 U.S.C. § 501 Wiley's registered copyrights through the sale of Foreign Editions; and it is further

ORDERED that pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure and New York CPLR § 6201, Wiley's motion for an order of attachment is hereby granted, that Kirtsaeng's accounts at PayPal, Inc., Bank of America and M&T Bank are hereby attached, and that Kirtsaeng, his agents, servants, employees and attorneys, and all those in active concert or participation with them who receive actual knowledge of this order, shall not transfer or withdraw any funds from his accounts at PayPal, Inc., Bank of America, and M&T Bank until such further order from this Court; and it is further

ORDERED that Wiley shall post cash or a bond in the amount of \$_____ on or before ____ __, 2009.

Dated: _____, 2009
Issued at _____.m.

Gerard E. Lynch
United States District Judge