

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

JOHN WILEY & SONS, INC., :
 :
 Plaintiff, :

-against- : 08 Civ. 7834 (DCP)

SUPAP KIRTSANG D/B/A : ECF Case
BLUECHRISTINE99 AND JOHN :
DOE NOS. 1-5, :

Defendants. :

- - - - -x

DECLARATION OF WILLIAM DUNNEGAN IN SUPPORT
OF PLAINTIFF'S MOTION FOR AN ORDER DIRECTING
DEFENDANT TO BRING HIS PERSONAL PROPERTY INTO
NEW YORK STATE AND APPOINTING A RECEIVER

WILLIAM DUNNEGAN hereby declares pursuant to 28 U.S.C.
§ 1746 that the following is true and correct.

1. I am a member of the bar of this Court and the
law firm of Dunnegan LLC, attorneys for plaintiff John Wiley
& Sons, Inc. ("Wiley") in this action.

2. I am making this declaration in support of
Wiley's application for an order directing defendant Supap
Kirtsang ("Kirtsang") to bring his personal property into the
State of New York and appointing a receiver to take custody of
the personal property.

3. On September 8, 2008, Wiley filed this action. The complaint alleged that Kirtsaeng infringed 8 of Wiley's copyrights.

4. On November 3, 2009, the trial of this action commenced.

5. On November 4, 2009, the Jury awarded Wiley \$600,000 against Kirtsaeng.

6. On November 24, 2009, Kirtsaeng filed an appeal to the Court of Appeals. Kirtsaeng has not paid any portion of the judgment, has not posted any bond, and has not attempted to seek a stay of execution pending appeal.

7. On January 14, 2010, Wiley deposed Kirtsaeng. Selections of the deposition transcript are annexed as Exhibit A. Despite Wiley's request at pages 86 and 87 of the transcript, Kirtsaeng has not attempted to provide the name of the person to whom he has transferred, without consideration, title to his 2001 Audi A6 during the pendency of this action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed February 2, 2010.



William Dunnegan

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1 Q. What attorney's fees did he pay for?

2 A. The attorney fee relating to this
3 lawsuit.

4 Q. What assets do you have at this time?

5 A. I don't have any asset.

6 Q. You said your father paid for your
7 attorney fees. When did he pay for them?

8 A. He paid for it one time in I think in
9 November, this past November, and I think he also
10 wired part of it I think two months ago. I'm
11 sorry maybe one month ago.

12 Q. Who did he pay the money to?

13 A. Sam.

14 Q. He paid Sam Isreal directly?

15 A. Yes. Oh, actually the one that was in
16 November, he give me cash, and I give the cash to
17 Sam when I was in New York.

18 Q. Do you have any documents showing an
19 agreement between you and your dad for your dad
20 to pay your attorney's fees?

21 A. No.

22 Q. Do you have a car?

23 A. No.

24 Q. When did you sell your car?

25 A. I gave it to my friend like about a year

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1 or a year and a half ago.

2 Q. Did you give your car to your friend in
3 exchange for anything?

4 A. No.

5 Q. And what is the name of your friend who
6 you gave your car to?

7 A. Purin.

8 Q. Can you spell it?

9 A. P-u-r-i-n.

10 Q. Is that your friend's first name or last
11 name?

12 A. His first name.

13 Q. And what is your friend's last name who
14 you gave your car to?

15 A. I don't remember his last name.

16 Q. Do you have any documents that show that
17 you transferred ownership to your friend for your
18 car?

19 A. Not that I still have. I mean the
20 record has to be sent to DMV.

21 Q. Where does your friend who you gave your
22 car to live?

23 A. He live in Los Angeles.

24 Q. Why did you give your car to your
25 friend?

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1 A. Because I thought that I would graduate
2 back then, so my plan was to give him the car so
3 that he can sell it, because I wouldn't be able
4 to sell it when I leave.

5 Q. Have you ever asked your friend for your
6 car back?

7 A. No.

8 Q. Do you think your friend would give you
9 your car back if you asked for it?

10 MR. ISREAL: Objection, calls for
11 speculation.

12 BY MS. SCILEPPI:

13 Q. Please answer the question.

14 A. I don't know.

15 Q. About how much do you think your car is
16 worth that you gave to your friend?

17 MR. ISREAL: Objection, calls for
18 speculation.

19 THE WITNESS: I don't know the exact
20 value, but the last time I checked it is worth
21 \$6400.

22 BY MS. SCILEPPI:

23 Q. And what's the make and model of the car
24 that you gave to your friend?

25 A. 2001 Audi A6.

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1 other than the one that was frozen?

2 A. No. I want to get things straight
3 here. The reason that I don't use any PayPal
4 account is because I don't want you to think that
5 I'm selling textbooks, because I'm not selling
6 textbooks, and I want all this thing to stop. So
7 I can focus on my study. So that I can finish
8 and go back home. I have been longing to go back
9 for a year now, and well, I don't know what to
10 do, but what ever I don't, you're not going to
11 believe me so.

12 Q. Do you have any financial accounts,
13 other than the Bank of America account that we
14 looked at, the two accounts in Thailand and the
15 possible PayPal account?

16 A. No, there is none that I am aware of.

17 Q. Do you have any Etrade accounts?

18 A. I don't think I ever had any Etrade
19 account.

20 Q. Do you own any golf clubs?

21 A. I own some golf clubs, yes.

22 Q. Do you know what make your golf clubs
23 are?

24 A. There are several brands.

25 Q. Okay. Let's go through all of them?

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1 A. Well, Titleist, TaylorMade, Odyssey.

2 Q. And do you own -- how many full sets of
3 golf clubs do you own?

4 A. I have one full set.

5 Q. Do you own a computer?

6 A. I own a laptop, yes.

7 Q. What kind of laptop do you own?

8 A. I think it's a Gateway laptop.

9 Q. I am sorry, I didn't hear your answer?

10 A. A Gateway.

11 Q. Do you own any other computers?

12 A. No.

13 Q. You own a television?

14 A. Yes.

15 Q. Do you own a scanner?

16 A. Scanner, yes.

17 Q. Do you own a fax machine?

18 A. I own a fax machine. Actually can I ask
19 you something? I mean I can give all of this to
20 you if you want, but if I need them for my study,
21 I would like to still use them, and whenever I
22 leave the country, you can come by and get them.
23 I mean I don't care.

24 Q. Well, we'll keep that in mind.

25 A. Yeah, just let me finish my study first.

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1 MR. ISREAL: Objection.

2 You can answer.

3 THE WITNESS: I got the third car, and
4 then a person having three cars is ridiculous, so
5 I sold two.

6 BY MS. SCILEPPI:

7 Q. And do you have any document that would
8 show the last name of the person that you gave
9 your last car to?

10 A. Not that I have right now. Maybe you
11 can get that from the DMV I guess.

12 Q. And your friend's name was Purin; is
13 that right?

14 A. Yes.

15 Q. Now was Purin a student as well?

16 A. Yes.

17 Q. And what type of degree was Purin
18 getting?

19 A. I don't know.

20 Q. How do you know Purin?

21 A. I used to help him with his math
22 problems.

23 Q. And do you know whether Purin has sold
24 your car?

25 A. No. I'm sorry what I mean is, I know

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1 that he hasn't sell the car.

2 Q. And when -- do you have any agreement
3 with Purin that when he does sell the car, he's
4 to give you some money?

5 A. I don't have any sort of paper
6 agreement.

7 Q. Do you have an oral agreement?

8 A. Yes.

9 Q. Now do you know where, where in L.A.
10 Purin lives?

11 A. Downtown.

12 Q. Do you know the street name?

13 A. No.

14 Q. Do you know whether Purin has received
15 his degree yet or not?

16 A. He hasn't received the degree yet.

17 Q. Do you know Pruin's e-mail address?

18 A. No.

19 Q. Okay, I'm going to ask the court
20 reporter to leave a large blank, and I'm going to
21 ask Mr. Kirtsaeng when you look over the
22 deposition transcript, you could fill in Pruin's
23 last name, address, e-mail address and telephone
24 number as you're able to.

25 MR. ISREAL: We'll take it under

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1 consideration.

2 (INFORMATION REQUEST: _____

3 _____

4 _____

5 _____.)

6 BY MS. SCILEPPI:

7 Q. And what is your father's current home
8 address?

9 A. It's 104/1 Psayotsin, P-s-a-y-o-t-s-i-n,
10 54/4 in Saimai, S-a-i-m-a-i, and Saimai again,
11 S-a-i-m-a-i, Bangkok, Thailand.

12 Q. And is that your mother's residence
13 address too?

14 A. Yes.

15 Q. And your mother's name is?

16 A. Ksum, K-s-u-m, M-a-n, with the same last
17 name.

18 Q. And do your parents have e-mail
19 addresses?

20 A. No.

21 Q. And what's your brother's name?

22 A. Sukrit, S-u-k-r-i-t, with the same last
23 name.

24 Q. And what's his current residence
25 address?

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1 letter?

2 A. I don't know. I don't remember his
3 name.

4 MS. SCILEPPI: I'm going to take some
5 time to look over my notes, just a couple of
6 minutes, so let's stay on the line.

7 Q. Mr. Kirtseng, do you remember
8 testifying at trial?

9 A. Yes, I remember.

10 Q. Okay, I'm going to read you a portion of
11 the trial transcript.

12 A. Okay.

13 Q. "Question: At the present time, what
14 financial assets do you have?

15 "Answer: I had some cash and I have a
16 car."

17 Do you remember giving that testimony?

18 A. I remember that.

19 Q. And was that true at the time that you
20 gave it?

21 A. To my understanding at the time I
22 thought that it doesn't matter whose name --
23 under whose name the car is registered to as long
24 as I know that that car is mine, then it's mine.
25 But to this day I understand that if the car is

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1 not under my name, then technically it's not
2 mine.

3 Q. Did you ever drive the car after you
4 transferred the title?

5 A. Yes.

6 Q. About how many times after you
7 transferred the title did you drive the car?

8 A. Many times.

9 Q. And where did you store the car
10 overnight?

11 A. At my home.

12 Q. And did you continue to keep the car at
13 your home overnight after you transferred title
14 to it?

15 A. Yes.

16 Q. About how often did your friend use the
17 car after you transferred title to him?

18 A. He never used it.

19 Q. Did you transfer title to the car after
20 you learned about the lawsuit?

21 A. So the thing is that I was planning to
22 leave the country. I thought I was graduating,
23 so I transferred the car to my friend, so that he
24 can sell the car after I leave, and that happened
25 to be after the lawsuit that I thought that I

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1 would graduate.

2 MR. ISREAL: Just ask him directly. You
3 don't have to tell Laura what to ask. Just go
4 ahead. It saves time.

5 BY MS. SCILEPPI:

6 Q. Would your friend transfer title to the
7 car back to you if you asked him for it?

8 MR. ISREAL: Objection, calls for
9 speculation.

10 THE WITNESS: Right, I cannot speculate
11 to that.

12 BY MS. SCILEPPI:

13 Q. So what do you think he would do?

14 MR. ISREAL: Objection, calls for
15 speculation.

16 THE WITNESS: I don't know.

17 BY MS. SCILEPPI:

18 Q. Have you ever asked him whether he would
19 transfer title back to you?

20 MR. ISREAL: Objection.

21 THE WITNESS: I haven't asked him that.

22 BY MS. SCILEPPI:

23 Q. Okay. Looking back at Exhibit AY, you
24 can turn to page B62 again. Let me know when
25 you're there.

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1 BY MS. SCILEPPI:

2 Q. Have your parents ever told you that
3 they will not help you with any additional money?

4 MR. ISREAL: Objection.

5 THE WITNESS: They have never told me,
6 but my guess is that if I ask my parents to pay
7 \$600,000 to you, they probably say no.

8 BY MS. SCILEPPI:

9 Q. And about how much money do you
10 currently have in your own possession?

11 A. I have about \$1,000 in my wallet.

12 Q. About how much money do you currently
13 have in your bank account in your possession in
14 general, not just on your person?

15 A. I have a thousand dollars back at home.

16 Q. And is that thousand dollars in your
17 apartment?

18 A. Yes, so in total it's about \$2,000 in
19 cash, and I'm on my way to pay for the rent on my
20 apartment, which is going to be due in the
21 beginning of next month.

22 Q. About how much is your rent?

23 A. \$1200.

24 Q. Do you have any other assets other than
25 those \$2,000?