

JOHN WILEY & SONS, INC. V. SUPAP KIRTSAENG ET AL. DOC. 62

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN WILEY & SONS, INC.,

08 CV 7834

Plaintiff

-against-

SUPAP KIRTSAENG D/B/A BLUECHRISTINE99  
and JOHN DOE NOS. 1-5,

Defendants  
\_\_\_\_\_X

DECLARATION OF SUPAP KIRTSAENG  
IN OPPOSITION TO MOTION FOR AN ORDER  
DIRECTING THE DEFENDANT TO BRING ASSETS INTO THE STATE

Supap Kirtsaeng, pursuant to 28 U.S.C. § 1746 declares under the penalties of perjury as follows:

1. I submit this declaration, together with the accompanying memorandum of law in opposition to the motion (the “**Motion**”) of Plaintiff John Wiley & Sons, Inc., (“**Plaintiff**” or “**Wiley**”) seeking an order Directing The Defendant To Bring Assets Into The State (the “**Motion**”).
2. In its Motion, the Plaintiff seeks to compel my delivery of the following items to a New York receiver: a car, a set of golf clubs, a scanner, a fax machine and a computer.
3. As a preliminary matter, it should be noted that I do not own a separate fax, copier and scanner but have a single *all-in- one* machine capable of each of these functions.
4. Second, as the Plaintiff knows from deposition testimony I have given, I do not own the car they are seeking to obtain, having transferred its title to a fellow student well over one year ago.
5. Third, I am currently using—and need-- the computer and all-in-one machine to revise and defend my doctoral thesis.
6. At my January 14, 2010 post-judgment deposition, I offered to hand my computer and all- in- one machine over to the Plaintiff once my studies are over, but the Plaintiff apparently insists upon immediate delivery.

7. Without these implements I would be unable to revise and defend my doctoral thesis.

8. It is true that I own a set of golf clubs and if the Court deems it appropriate I can tender title to the clubs to the Plaintiff's counsel. I respectfully request, however, that the Plaintiff be ordered to return the clubs to me in their current condition in the event that the jury's verdict is overturned as a consequence of the pending appeal.

Dated: February 9, 2010

  
Supap Kirtsang