

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x

PEARSON EDUCATION, INC., :  
JOHN WILEY & SONS, INC., :  
CENGAGE LEARNING INC. AND :  
THE MCGRAW-HILL COMPANIES, INC., :

Plaintiffs,

-against-

07 Civ. 7890 (PKC)

MATTHEW STIRLING D/B/A :  
THETEXTBOOKGUY.COM :  
AND JOHN DOES NOS. 1-5 :

Defendants.

----- x

DECLARATION OF WILLIAM DUNNEGAN IN SUPPORT  
OF PLAINTIFFS' MOTION TO ENFORCE THE FINAL  
JUDGMENT AND PERMANENT INJUNCTION ENTERED  
MARCH 5, 2008 AND ADJUDGE DEFENDANT IN CONTEMPT

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 firm of Dunnegan LLC, attorneys for plaintiffs in this action. I am making this declaration in support of plaintiffs' motion for an order adjudging defendant Matthew Stirling ("Stirling") in contempt of the final judgment and permanent injunction entered in this action on March 5, 2008 ("Final Judgment"), and further compelling Stirling to pay forthwith all amounts due under the Final Judgment, with interest and attorney's fees.

2. The second decretal paragraph (on page 3) of the Final Judgment, a copy of which without its schedules is annexed as Exhibit A, compelled Stirling to make a series of payments totaling \$76,000. Stirling made the first payment of \$25,000 on March 1, 2008. However, Stirling failed to make the second payment of \$15,000 due April 1, 2008.

3. On April 2, 2008, I sent a letter by Express Mail to both defendant and his attorney, Christ Gaetanos, Esq., a copy of which is annexed as Exhibit B. This letter provided:

"In accordance with the final judgment and permanent injunction by consent in the above action, we are writing to advise you that you are in default in making the \$15,000 payment due on April 1, 2008.

"Unless payment is received within 10 business days of the date of this letter, plaintiffs will exercise their rights under this final judgment, including the right to accelerate all amounts due."

4. On or about April 2, 2008, I called the attorney for Stirling and left a message. By e-mail dated April 2, 2008, a copy of which is annexed as Exhibit C, 2008, the attorney for Stirling told me that Stirling was "quite sick."

5. On or about April 14, 2008, I called again and spoke with the attorney for Stirling. I thereafter received the e-mail dated April 15, 2008, a copy of which is annexed as Exhibit D, in which he advised me that Stirling was having "trouble with funds."

6. By letter dated April 16, 2008, a copy of which is annexed as Exhibit E, plaintiffs declared a default and exercised their right to accelerate all amounts due under the Final Judgment.

7. Plaintiffs are proceeding by order to show cause rather than notice of motion because the need for relief prior to the time that the motion would be heard under an ordinary motion schedule. The longer the delay in hearing the motion, the greater chance that defendant will dissipate or secrete his assets and render himself unable to comply with the Final Judgment.

8. Plaintiffs have not made a similar application for relief in this or any other court.

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

Executed on April 18, 2008.

  
\_\_\_\_\_  
William Dunnegan