

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. 9399 (CSH)
ECF Case

VINOD KUMAR, VIRENDER YADAV, :
SUKHWINDER SINGH AND :
DART AIR, INC. ALL D/B/A :
MODERN BOOKS D/B/A EXPRESS :
BOOKS D/B/A UNIQUE BOOKS :
D/B/A JHON BOOK STORE D/B/A :
EXPRESSBOOKS06 D/B/A :
QUALITYINSTRUMENTS400 :
AND JOHN DOES NOS. 1-5, :
 :
Defendants. :

----- x

NOTICE OF MOTION OF PLAINTIFFS FOR SUMMARY
JUDGMENT ON THEIR COPYRIGHT CLAIMS AGAINST
DEFENDANTS VINOD KUMAR AND DART AIR, INC.

PLEASE TAKE NOTICE that, upon the declarations of
Richard Essig, sworn to June 20, 2008, Patrick Murphy, sworn
to June 19, 2008, William Sampson, sworn to June 20, 2008,
Bonnie Beacher, sworn to July 11, 2008, William Dunnegan,
sworn to July 28, 2008, and Kimberly Banks, sworn to June 10,
2008, the statement pursuant to Rule 56.1 of the Civil Rules
of this Court, the notice to pro se litigants opposing motion
for summary judgment, and all prior proceedings in this

action, plaintiffs Pearson Education, Inc., John Wiley & Sons, Inc., Cengage Learning Inc., and The McGraw-Hill Companies, Inc. will move this Court before the Hon. Charles S. Haight, United States District Judge, in Courtroom 17C of the United States Courthouse, 500 Pearl Street, New York, New York 10007, at 9 a.m. on August 29, 2008, or as soon thereafter as counsel may be heard, for an order:

(a) Pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting plaintiffs summary judgment against defendants Vinod Kumar ("Kumar") and Dart Air, Inc. ("Dart") adjudging that Kumar and Dart, are liable for infringing the copyrights of plaintiffs identified on Exhibits A, B, C and D;

(b) Pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting plaintiffs summary judgment adjudging that Kumar and Dart are liable for minimum statutory damages pursuant to 17 U.S.C. § 503(c) of \$750 per copyright for each of the 379 copyrights identified on Exhibits A, B, C and D, for a total of \$284,250; and

(c) Pursuant to Rule 65 of the Federal Rules of Civil Procedure, permanently enjoining Kumar and Dart from further infringing plaintiffs' copyrights identified on the annexed Exhibits A, B, C, and D;

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

Dated: New York, New York
July 28, 2008

DUNNEGAN LLC

By William Dunnegan
William Dunnegan (WD9316)
Attorneys for Plaintiffs
Pearson Education, Inc.,
John Wiley & Sons, Inc.,
Cengage Learning Inc., and
The McGraw Hill Companies, Inc.
350 Fifth Avenue
New York, New York 10118
(212) 332-8300

TO: Vinod Kumar
39 /4 Mohmad Pur
Near Bikaji Cama Place, New Delhi 110066
India
Vn1991@hotmail.com

Virender Yadav
10433 92nd Avenue
South Richmond Hill, NY 11418-2923

Dart Air, Inc.
155 W. 29th Street, Suite 9B
New York, New York 10001