

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

DECLARATION OF KIMBERLY BANKS IN SUPPORT
OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

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

1. I am over the age of 18.

2. In August of 2007, at the request of
Dunnegan LLC, I purchased the following books from Modern
Books through Abebooks.com:

Computer Ethics, published by Dorling
Kindersley (India) Pvt. Ltd, licensees of Pearson Education
in South Asia, printed in India and bearing the notice on

the outside cover, "This edition is manufactured in India and is authorized for sale only in India, Bangladesh, Bhutan, Pakistan, Nepal, Sri Lanka, and the Maldives."

Introduction to Probability Theory and Its Applications, Volume 2, Second Edition, published by John Wiley & Sons (ASIA) Pte. Ltd., Singapore, printed in India and bearing the notice on the outside cover, "THIS BOOK IS FOR SALE ONLY IN THE COUNTRY TO WHICH IT IS FIRST CONSIGNED BY JOHN WILEY & SONS (ASIA) PTE LTD AND MAY NOT BE RE-EXPORTED. FOR SALE ONLY IN THE FOLLOWING TERRIRORIES: BANGLADESH, MYANMAR, INDIA, INDONESIA, NEPAL, PAKISTAN, PHILLIPINES, SRI LANKA, VIETNAM."

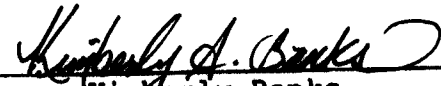
Vibrations, published by Thomson Asia Pte. Ltd., Singapore, printed in Bangalore and bearing the notice on the outside cover, "Not for Sale in the United States."

3. After making payment to Abebooks using my credit card, Modern Books sent each of these books to my address at 353 West 56th Street, New York, New York. Each

book was a paperback with black and white pictures.

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

Executed this 10th day of June 2008 in New York,
New York.



Kimberly Banks