

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiffs,

-against-

08 Civ. 203 (WHP)

JANE DOE D/B/A AMBER BAGRANOF :  
D/B/A AMBRANO D/B/A AMBRANOS :  
AND JOHN DOES NOS. 1-5, :

Defendants.

- - - - -x

PLAINTIFFS' EX PARTE APPLICATION FOR AN  
ORDER AUTHORIZING THE ISSUANCE OF  
SUBPOENAS TO DETERMINE THE IDENTITIES  
AND LOCATIONS OF DEFENDANTS

Plaintiffs hereby move pursuant to Rule 26(d) of  
the Federal Rules of Civil Procedure for an order  
authorizing plaintiffs to serve subpoenas on  
StudentDump.Com, Google Inc., Abebooks Inc., PayPal, Inc.,  
and eBay, Inc. to determine the identities and locations of  
defendants, which are presently unknown to plaintiffs.

The basis for this application is set forth in  
the accompanying declaration of William Dunnegan, sworn to  
January 22, 2008.

A proposed order is annexed.

Dated: New York, New York  
January 22, 2008

DUNNEGAN LLC

By William Dunnegan

William Dunnegan (WD9316)

Megan L. Martin (MM4396)

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

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ORDER ALLOWING SERVICE OF SUBPOENAS  
TO ASCERTAIN THE IDENTITY  
AND LOCATION OF DEFENDANTS

Upon the application of plaintiffs Pearson Education, Inc., John Wiley & Sons, Inc., Cengage Learning Inc. and The McGraw-Hill Companies, Inc., as set forth in the annexed declaration of William Dunnegan, dated January 22, 2008, for an order pursuant to Rule 26(d) of the Federal Rules of Civil Procedure allowing service of subpoenas on StudentDump.Com ("StudentDump"), Google Inc. ("Google"), PayPal, Inc. ("PayPal") and eBay, Inc. ("eBay") to ascertain the true identities and locations of defendants Jane Doe d/b/a Amber Bagranof d/b/a Ambrano

d/b/a Ambranos and John Doe Nos. 1-5, and good cause for that relief appearing, it is hereby

ORDERED, pursuant to Rule 26(d) of the Federal Rules of Civil Procedure, that plaintiffs may serve subpoenas on StudentDump, Google, PayPal and eBay to identify and locate defendants Jane Doe d/b/a Amber Bagranof d/b/a Ambrano d/b/a Ambranos and John Does Nos. 1-5 in this action.

Dated: New York, New York  
January \_\_, 2008

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U.S.D.J.

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PEARSON EDUCATION, INC., :  
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JANE DOE D/B/A AMBER BAGRANOF :  
D/B/A AMBRANO D/B/A AMBRANOS :  
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Defendants.

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DECLARATION OF WILLIAM DUNNEGAN IN SUPPORT  
OF PLAINTIFFS' APPLICATION FOR AN ORDER  
ALLOWING SERVICE OF SUBPOENAS ON STUDENTDUMP.COM,  
GOOGLE INC., PAYPAL, INC., AND EBAY, INC.

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, which was filed on January 10, 2008.

2. I am making this declaration in support of  
plaintiffs' application for an order authorizing plaintiffs  
pursuant to Rule 26(d) of the Federal Rules of Civil  
Procedure, to serve subpoenas on StudentDump.Com  
("StudentDump"), Google Inc. ("Google"), PayPal, Inc.  
("PayPal"), and eBay, Inc. ("eBay"), to identify and locate

defendants Jane Doe d/b/a Amber Bagranof d/b/a Ambrano d/b/a Ambranos and John Does Nos. 1-5.

3. In this case, neither service nor substitute service under CPLR § 308 (1), (2), or (4) is feasible.

4. The complaint alleges that defendants have reproduced and sold electronic copies of plaintiffs' instructors' solutions manuals through online sales at forums such as [www.studentdump.com](http://www.studentdump.com) using the usernames Amber Bagranof, Ambrano, and Ambranos and the e-mail addresses [ambrano@gmail.com](mailto:ambrano@gmail.com) and [ambranos@gmail.com](mailto:ambranos@gmail.com).

5. We have been, by searching the Internet, unable to locate a physical or active electronic address for the defendant Jane Doe d/b/a Amber Bagranof d/b/a Ambrano d/b/a Ambranos.

6. Other judges of this Court have granted similar applications to serve a subpoena to find the identities of defendants. Judge Daniels issued a similar order in Pearson Education, Inc., et al., v. John Doe d/b/a Edison Thomas, 07 Civ. 8029 (GBD), on December 4, 2007. Judge Stein issued a similar order in Pearson Education, Inc., et al., v. Nadir Knyane d/b/a Gabbanax, 07 Civ. 8237 (SHS), on November 16, 2007. Judge Lynch issued a similar order in Pearson Education, Inc., et al. v. RK Sellers, 07 Civ. 6914 (GEL), on October 22, 2007. Judge McMahon issued

a similar order in Pearson Education, Inc., et al. v. John Doe d/b/a "LPE Bookstore," 07 Civ. 8028 (CM), on October 11, 2007. Judge Koeltl issued a similar order in Pearson Education, Inc., et al. v. Mushfiq Saleheen d/b/a "books777," 07 Civ. 4547 (JGK), on September 20, 2007.

Judge Sprizzo issued a similar order in John Wiley & Sons, Inc. v. Abdel Ghani d/b/a "bubblesolutions," 05 Civ. 2319 (JES), on March 17, 2005.

7. As the posting forum used by Jane Doe d/b/a Amber Bagranof d/b/a Ambrano d/b/a Ambranos, StudentDump probably knows the true identity and location of the individual or individuals using the names Amber Bagranof, Ambrano, and Ambranos.

8. As the email system used by Jane Doe d/b/a Amber Bagranof d/b/a Ambrano d/b/a Ambranos, Google probably knows the true identity and location of the individual or individuals using the names Amber Bagranof, Ambrano, and Ambranos.

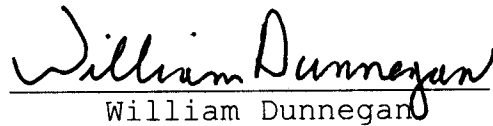
9. As the payment system used by Jane Doe d/b/a Amber Bagranof d/b/a Ambrano d/b/a Ambranos, PayPal probably knows the true identity and location of the individual or individuals using the names Amber Bagranof, Ambrano, and Ambranos.

10. As the probable business site of Jane Doe d/b/a Amber Bagranof d/b/a Ambrano d/b/a Ambranos, eBay probably knows the true identity and location of the individual or individuals using the names Amber Bagranof, Ambrano, and Ambranos.

11. Under Rule 26(d), however, "a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)." Without the identities and locations of the defendants, this conference would not be possible.

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

Executed this 22nd day of January 2008 in New York, New York.

  
William Dunnegan  
William Dunnegan