

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>PENGUIN GROUP (USA) INC.,</b>	:	
	:	
Plaintiff,	:	<b>ECF Case</b>
	:	
-against-	:	<b>No. 09cv528 (GEL) (DF)</b>
	:	
<b>AMERICAN BUDDHA,</b>	:	<b>DECLARATION OF</b>
	:	<b>THOMAS KJELLBERG</b>
	:	
Defendant.	:	

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THOMAS KJELLBERG, counsel with Cowan, Liebowitz & Latman, P.C., attorneys for Plaintiff Penguin Group (USA) Inc. ("Penguin"), pursuant to 28 U.S.C. § 1746 declares as follows:

1. A printout of a page titled AMERICAN BUDDHA ONLINE LIBRARY / What is The American Buddha Online Library? from the American-buddha.com website, <http://www.american-buddha.com/index.htm?signup>, is submitted herewith as Exhibit 1.
2. A copy of the December 18, 2008 letter of Richard Dannay to Charles Carreon is submitted herewith as Exhibit 2.
3. A copy of the December 18, 2008 letter of Charles Carreon to Richard Dannay is submitted herewith as Exhibit 3.
4. A copy of the December 23, 2008 letter of Richard Dannay to Charles Carreon is submitted herewith as Exhibit 4.

5. A copy of the December 23, 2008 letter of Charles Carreon to Richard Dannay is submitted herewith as Exhibit 5.

6. A copy of the January 5, 2009 letter of Richard Dannay to Jacob Hammond, headed "Notification of Copyright Infringement," is submitted herewith as Exhibit 6.

7. A copy of the January 13, 2009 letter of Charles Carreon to Jacob Hammond, headed "Counternotice to DMCA Notice of Penguin Books," is submitted herewith as Exhibit 7.

8. On February 16, 2009 I downloaded from the Naderlibrary.com website complete copies of four literary works in which Penguin owns exclusive publishing rights: (1) the E. J. Kenney translation of *The Golden Ass* by Apuleius; (2) *Oil!* by Upton Sinclair; (3) *It Can't Happen Here* by Sinclair Lewis; and (4) the R. E. Latham translation of *On the Nature of the Universe* by Lucretius, and saved the copies to the hard drive of my office computer in Microsoft Word format. There were no technological or other measures in place controlling access to the Penguin works, or any of the copyrighted works of third parties, available on the Naderlibrary.com site.

9. A printout of the Naderlibrary.com home page, <http://www.naderlibrary.com>, is submitted herewith as Exhibit 8.

10. A printout of the "Charles Carreon website" Badcrazy.com home page, <http://www.badcrazy.com>, is submitted herewith as Exhibit 9.

11. Copies of the certificate of incorporation of American Buddha and the articles of organization of Online Media Law, LLC, and printouts of the current Business Entity Data for those entities from the Oregon Secretary of State Business Registry, are submitted herewith as Exhibit 10.

12. Printouts of the WHOIS records for american-buddha.com, naderlibrary.com, charlescarreon.com, badcrazy.com and sixthorder.com, showing the Registrant for all five domain names to be Online Media Law, PLLC, and the Administrative and Technical Contact for all five domain names to be Carreon, Charles, are submitted herewith as Exhibit 11.

13. A copy of the April 13, 2007 letter of Charles Carreon to Kent Walker, Esq., General Counsel of Google Inc., one of multiple documents pertaining to “a serious legal dispute” between American Buddha and Google Inc. that are accessible in a “PLEADING INDEX (PDF)” for “AMERICAN BUDDHA VS. THE CITY OF ASHLAND AND THE WASHINGTON POST COMPANY,” on the “Charles Carreon website” Sixthorder.com, <http://www.sixthorder.com/ambuvs.city.toc.htm>, is submitted herewith as Exhibit 12.

14. *What Is Buddhism?* (American Buddha Philosophy) (Kindle Edition), by Charles Carreon and Tara Carreon, the “Publisher” of which is listed as “American Buddha (January 31, 2008),” for the Amazon Kindle device is available on Amazon.com. As of March 13, 2009 *What Is Buddhism?* had an “Amazon.com Sales Rank: #73,356 in Kindle Store.” A printout of the Amazon.com page is submitted herewith as Exhibit 13.

15. *Born In Tibet, Again: The Exile of the 12th Trungpa Tulku* (American Buddha Biographies) (Kindle Edition) by Charles Carreon, the “Publisher” of which is listed as “American Buddha; 1st edition (January 1, 2008),” for the Amazon Kindle device is available on Amazon.com. As of March 13, 2009 *Born In Tibet, Again: The Exile of the 12th Trungpa Tulku* had an “Amazon.com Sales Rank: #72,914 in Kindle Store.” A printout of the Amazon.com page is submitted herewith as Exhibit 14.

16. *The Revolution Will Not Be Capitalized: Che Guevara* (Kindle Edition) by Charles Carreon, the “Publisher” of which is listed as “American Buddha; 1st edition (January 1, 2008),” for the Amazon Kindle device is available on Amazon.com. As of March 13, 2009 *The Revolution Will Not Be Capitalized: Che Guevara* had an “Amazon.com Sales Rank: #101,795 in Kindle Store.” A printout of the Amazon.com page is submitted herewith as Exhibit 15.


17. *A Legend In His Own Mind -- Michael Ruppert Soldiers On* (American Buddha Biographies) (Kindle Edition) by Charles Carreon, the “Publisher” of which is listed as “American Buddha; 1st edition (November 30, 2006),” for the Amazon Kindle device is available on Amazon.com. As of March 13, 2009 *A Legend In His Own Mind -- Michael Ruppert Soldiers On* had an “Amazon.com Sales Rank: #61,212 in Kindle Store.” A printout of the Amazon.com page is submitted herewith as Exhibit 16.


18. *Jack Abramoff's House of Cards* (American Buddha Biographies) (Kindle Edition) by Charles Carreon, the “Publisher” of which is listed as “American Buddha; 1st edition (February 16, 2006),” for the Amazon Kindle device is available on Amazon.com. As of March 13, 2009 *Jack Abramoff's House of Cards* had an “Amazon.com Sales Rank: #64,669 in Kindle Store.” A printout of the Amazon.com page is submitted herewith as Exhibit 17.

19. *No Good Deed Will Go Unpunished – The Mike Bianca Story* (American Buddha Biographies) (Kindle Edition) by Charles Carreon, the “Publisher” of which is listed as “American Buddha; 1st edition (November 15, 2006),” for the Amazon Kindle device is available on Amazon.com. As of March 13, 2009 *No Good Deed Will Go Unpunished – The Mike Bianca Story* had an “Amazon.com Sales Rank: #133,761 in Kindle Store.” A printout of the Amazon.com page is submitted herewith as Exhibit 18.

20. *Lucretius, Sage of The First Millennium* (American Buddha Biographies) (Kindle Edition) by Charles Carreon, the “Publisher” of which is listed as “American Buddha; 1st edition (August 31, 2005),” for the Amazon Kindle device is available on Amazon.com. As of March 13, 2009 *Lucretius, Sage of The First Millennium* had an “Amazon.com Sales Rank: #144,255 in Kindle Store.” A printout of the Amazon.com page is submitted herewith as Exhibit 19.

21. *The Terrorist Who Loved Me -- The Betrayal of Pete Seda* (American Buddha Biographies) (Kindle Edition) by Charles Carreon, the “Publisher” of which is listed as “American Buddha; 1st edition (March 1, 2007),” for the Amazon Kindle device is available on Amazon.com. A printout of the Amazon.com page is submitted herewith as Exhibit 20.

22. The Naderlibrary.com website contains links titled the “The Sex Dot Com Chronicles” and “Charles’ Primer of Online Media Law,” both of which redirect the user to a site called Sex.comchronicles.com, on which a link  appears. Clicking that link leads directly to an inner page on the Amazon.com site, <http://www.amazon.com/gp/aws/cart/add.html?AssociateTag=www1primepubc-20&ASIN.1=1439201013&Quantity.1=1> where the book *The Sex.Com Chronicles: A White-Hat Lawyer’s Journey to the Dark Side of the Internet*, priced at \$18.99 plus shipping, may be “Add[ed] to Shopping Cart” with a single click. Printouts of the referenced pages are submitted herewith as Exhibit 21.

23. The Badcrazy.com website, registered in the name of Online Media Law, PLLC, states on its home page that “Bad Crazy is a Charles Carreon website,” and contains a banner ad for “The Sex.Com Chronicles – A Book by Charles Carreon” by which users can “click through” to the Sex.comchronicles.com website. That site contains a  link, which leads

directly to an inner page on the Amazon.com site where Mr. Carreon's book is available for immediate online purchase. Printouts of the referenced pages are submitted herewith as Exhibit 22.

24. Mr. Carreon's book *The Sex.Com Chronicles: A White-Hat Lawyer's Journey to the Dark Side of the Internet* is promoted and offered for sale on the Naderlibrary.com website and the Badcrazy.com website; however, it is not reproduced and distributed for free on the Naderlibrary.com or American-buddha.com website.

25. None of the American Buddha-published literary works that are available for sale on Amazon.com is reproduced and distributed for free on the Naderlibrary.com or American-buddha.com website.

26. Printouts of pages from the website Charlescarreon.com are submitted herewith as Exhibit 23.

27. *What Is Buddhism?* (American Buddha Philosophy), by Charles Carreon and Tara Carreon, published by American Buddha and available on Amazon.com, is promoted on the American-buddha.com site at [http://www.american-buddha.com/what\\_is\\_buddhism.htm](http://www.american-buddha.com/what_is_buddhism.htm), the front cover of the Penguin paperback edition of *Oil!* by Upton Sinclair, with its reference to the Oscar-winning film *There Will Be Blood*, adapted from the novel, and photo image of the Oscar-winning Daniel Day-Lewis in the starring role. A printout of the referenced page is submitted herewith as Exhibit 24.

28. A printout of a page titled THE RALPH NADER LIBRARY COPYRIGHT

NOTICE, located at <http://www.naderlibrary.com/naderlibrarymemberinfo.htm>, is submitted herewith as Exhibit 25.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE  
AND CORRECT. EXECUTED ON MARCH 20, 2009 AT NEW YORK, NEW YORK.

s/ Thomas Kjellberg  
Thomas Kjellberg