

Charles Carreon (Cal. Bar # 127139)
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Attorney for Defendant American Buddha

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

PENGUIN GROUP (USA) INC.,

Case No. 09 CIV 00528 JGK

Plaintiff,

-against-

AMERICAN BUDDHA,

Defendant.

**SUPPLEMENTAL DECLARATION OF TARA LYN CARREON IN SUPPORT OF
AMERICAN BUDDHA'S MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION**

Tara Lyn Carreon hereby declares:

1. I am President and sole Director of American Buddha, defendant herein, and state the matters herein of personal knowledge. If called as a witness, I could and would so competently testify.
2. American Buddha is incorporated as a religious nonprofit corporation under Oregon Revised Statutes 65.067, which states in subsection (1) as follows:

“Any individual may, in conformity with the constitution, canons, rules, regulations and disciplines of any church or religious denomination, form a corporation hereunder to be a corporation sole. ***Such corporation*** shall be a form of religious corporation and will differ from other such corporations organized hereunder only in that it shall have no board of directors, need not have officers and ***shall be managed by a single director who shall be the individual constituting the corporation and its incorporator or the successor of the incorporator.***” (Emphasis added.)

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3. As the sole director of American Buddha, I have sole responsibility, complete knowledge, and complete control of all its activities.
4. I have reviewed the August 12, 2011 Declaration of Thomas Kjellberg.
5. As noted in my previous declaration, it appears that Mr. Kjellberg is the only person who has ever converted the HMTL webpages of the Naderlibrary.com or American-Buddha.com websites into PDF documents. As I noted in my prior declaration submitted in support of American Buddha's pending motion to dismiss for lack of personal jurisdiction, I have never heard of anyone doing this, but speculated that Mr. Kjellberg might. However, what Mr. Kjellberg does in his adversarial role has no relation to what ordinary Internet users do, and has no bearing on my reasonable expectations for whether the operation of the Naderlibrary.com or American-Buddha.com websites would cause an effect in the State of New York. I reiterate my prior averment that I have never had reasonable cause to believe that the website would cause any cognizable effect in New York. As I noted in my prior declaration, absolutely nothing would be gained by making a PDF from an American Buddha webpage, and to create a paper copy would be prohibitively costly, ten or twenty times more costly than just buying a used copy of a book on Amazon.com. The fact is, it would be cheaper to go to a regular brick-and-mortar library, borrow a book off the shelf, and photocopy it, than it would to start with a webpage of text like that which American Buddha makes available. I think people, in New York especially, make reasonable economic decisions, and I simply cannot conceive of anyone using the American Buddha Online Library websites as a launching pad for text piracy. Nor has Mr. Kjellberg cited a single event of piratical conduct connected with American Buddha.
6. I reiterate the averment that American Buddha, an Oregon nonprofit corporation, has no sources of revenue whatsoever. For a brief period of time, American Buddha did make an attempt to solicit donations on the site, using what I thought was a clever approach – asking people to give American Buddha their gift cards with money left on them. The link to this donation request was entitled "Money Talk," but it completely failed in its intent. I had read that most gift cards expire without having been fully used, and so perhaps people would respond. I

was wrong. No one ever sent a gift card. The link to “Money Talk” was eliminated from the site a long time ago. I cannot recollect precisely when, but I believe it was well over a year ago.

7. American Buddha does nothing to route visitors from either its NaderLibrary.com or American-Buddha.com to any commercial website. American Buddha has repeatedly been approached over the years with email requests to allow advertising to be posted on these websites, and all of these requests have been rejected. There is not a single commercial solicitation on either website, and there never will be.

8. American Buddha is not a publisher, in digital format or otherwise. Publishing is costly, and American Buddha has no funds to invest in it. The statement by Mr. Kjellberg that American Buddha has published anything, anywhere, is simply erroneous.

9. The only time American Buddha has ever urged anyone to buy any book was with respect to Lester Coleman’s book, “Trail of the Octopus – From Beirut to Lockerbie – Inside the DIA.” This was, however, not a publication by American Buddha. Because I knew of the publication of the book, and it had been out of print for years, I sent an email to some of our users to let them know the book was back in print, and they could now obtain a new copy. I received no remuneration from Mr. Coleman or the publisher or from anyone at all. It was simply a good turn in the nonprofit spirit of helping.

10. I have no knowledge of the operation of the Kindle website, either in my personal or corporate capacity as the Director of American Buddha. I have never logged into the Kindle website. I do not know how to publish a book on the Kindle digital publishing platform. One of my daughters gave me a Kindle, but I haven’t yet learned how to use it. I have never looked at any of the books on the Kindle that Mr. Kjellberg says American Buddha “published.” I am the only person who works for American Buddha, and I would not know how to put a book on the Kindle platform. Accordingly, American Buddha could not have published them, and any reference to “American Buddha” on the Kindle website is without any material significance. My understanding is that Charles Carreon knows how to publish on the Kindle platform.

11. Neither NaderLibrary.com nor American-Buddha.com link to the Amazon.com website, or to the Kindle website.

12. I have no substantial knowledge of what Charles Carreon has done to publish his works on paper or on the Kindle platform. I have never read his book, *The Sex.Com Chronicles – A White Hat Lawyer’s Journey to the Dark Side of the Internet*. He self-published the book, and American Buddha had absolutely nothing to do with it. I have never seen any checks or payments for sales of this book, and the amounts of such funds, if any, have never been known to me. I do not know whether or how much, if any, revenue has come to Charles Carreon or his company from his Kindle publishing efforts.

13. Finally, with regard to Charles Carreon’s status vis-à-vis the American Buddha corporation, he has not been an officer of the company for over nine years, since January 22, 2002, as I have determined from reviewing corporate records that were previously filed as Exhibit 5 to the Supplemental Declaration of Charles Carreon in Support of Reply Brief in Support of American Buddha’s Motion to Dismiss for Lack of Personal Jurisdiction, filed on March 27, 2009 (Docket # 16). Attached hereto as Exhibit 1 is another copy of this corporate documentation for the record. With regard to Charles Carreon’s influence or control over the activities of the American Buddha corporation, the answer is, he has none. As noted previously in paragraph 3, I am the sole director, all corporate decisions are mine to make, and I alone make them. None of the actions of Charles Carreon can lawfully be imputed to American Buddha.

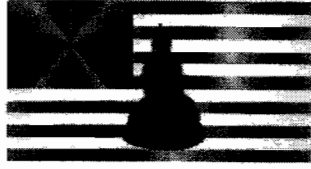
14. I understand that Penguin has requested leave to conduct “jurisdictional discovery” into American Buddha to attempt to find some link to New York. This would be entirely futile. American Buddha simply has no documentation that would in any way connect it to New York. I am the only person who would have knowledge of American Buddha’s activities in that regard, and I hereby declare under oath that I know of not a single thing that American Buddha has ever done to cause an effect in the State of New York.

I declare and affirm, pursuant to 28 U.S.C. § 1746(2), that the foregoing is true and correct under the law of the United States of America, and that this declaration was signed

on August 26, 2011 at Tucson, Arizona.


Tara Lyn Carreon

EXHIBIT 1



AMERICAN BUDDHA

An Oregon Non-profit Corporation

January 22, 2002

SENT VIA FAX - 503/378-4381

Secretary of State
Corporate Division
255 Capitol Street N.E., Suite 151
Salem, OR 97310-1327

Re: American Buddha, Registry No. 757959-80

Dear Sir or Madam:

Please make the following changes in our record:

Principal Place of Business: 1131 Barrington Circle, Ashland, OR 97520

President: Tara Carreon, 1131 Barrington Circle, Ashland, OR 97520

Secretary: Ana Carreon, 1131 Barrington Circle, Ashland, OR 97520

Phone No.: 541/482-2321

Fax No.: 541/482-4683

Thanks kindly for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Tara Carreon".

Tara Carreon
President, American Buddha

1131 Barrington Circle
Ashland, OR 97520

(t) 541/482-2321
(f) 541/482-4683



Phone: (503) 986-2200
Fax: (503) 378-4381

Amendment to Annual Report

Secretary of State
Corporation Division
255 Capitol St. NE, Suite 151
Salem, OR 97310-1327

For office use only

- ☐ Professional Corporation
☒ Nonprofit Corporation
☐ Business Corporation
☐ Cooperative
☐ Water District

Registry Number 757959-80

Entity Type ☒ DOMESTIC ☐ FOREIGN

Please Type or Print Legibly in **Black Ink** - - **NO Filing Fee**

To change the Registered Agent, use Change of Registered Agent/Address, Form CR131

1) NAME OF ENTITY AMERICAN BUDDHA

2) PRINCIPAL PLACE OF BUSINESS (street address)

1131 Barrington Circle

Ashland, OR 97520

3) MAILING ADDRESS

1131 Barrington Circle

Ashland, OR 97520

OFFICERS NAME AND ADDRESSES

4) PRESIDENT (Name and street address)

Tara Carreon

1131 Barrington Circle

Ashland, OR 97520

5) SECRETARY (Name and street address)

Ana Carreon

1131 Barrington Circle

Ashland, OR 97520

6) EXECUTION

SIGNATURE: *Tara Carreon*

PRINTED NAME: Tara Carreon

TITLE: President

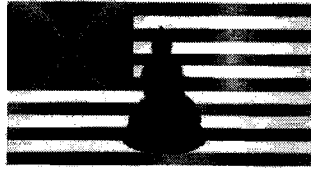
DATE: 1/21/12

7) CONTACT NAME

Tara Carreon

DAYTIME PHONE NUMBER – INCLUDING AREA CODE

541/482-2321



AMERICAN BUDDHA

An Oregon Non-profit Corporation

January 31, 2002

SENT VIA FAX - 503/378-4381

Secretary of State
Corporate Division
255 Capitol Street N.E., Suite 151
Salem, OR 97310-1327

Re: American Buddha, Registry No. 757959-80

Dear Sir or Madam:

I received the enclosed Acknowledgement Letter from your office, but the information is not accurate. First, the principal place of business is changed to 1131 Barrington Circle, Ashland, OR 97520, and Second, the President has changed to Tara Carreon, 1131 Barrington Circle, Ashland, OR 97520. Please make these corrections and send me a corrected Acknowledgement Letter.

Thanks kindly for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Tara Carreon" with a long, sweeping horizontal line extending to the right.

Tara Carreon
President, American Buddha

1131 Barrington Circle
Ashland, OR 97520

(t) 541/482-2321
(f) 541/482-4683



Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone: (503) 986-2200
Fax: (503) 378-4381
www.sos.state.or.us/corporation/corphp.htm

Registry Number: **757959-80**
Type: DOMESTIC NONPROFIT CORPORATION

AMERICAN BUDDHA
TARA CARREON
1131 BARRINGTON CIRCLE
ASHLAND OR 97520

Acknowledgment Letter

The document you submitted was recorded as shown below. Please review and verify the information listed for accuracy.

If you have any questions regarding this acknowledgement, contact the Secretary of State, Corporation Division at (503) 986-2200. Please refer to the registration number listed above. A copy of the filed documentation may be ordered for a fee of \$5.00. Submit your request to the address listed above or call (503) 986-2317 with your Visa or MasterCard number.

Document

CHANGE OF REGISTERED AGENT/ADDRESS

Filed On
01/25/2002

Jurisdiction
OREGON

Nonprofit Type
RELIGIOUS WITH MEMBERS

Name
AMERICAN BUDDHA

Principal Place of Business
1131 BARRINGTON CIRCLE
ASHLAND OR 97520

Registered Agent
TARA CARREON
1131 BARRINGTON CIRCLE
ASHLAND OR 97520

President
TARA CARREON
1131 BARRINGTON CIRCLE
ASHLAND OR 97520

Secretary
ANA CARREON
1131 BARRINGTON CIRCLE
ASHLAND OR 97520

KEVMAR
ACK
01/31/2002