

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

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PENGUIN GROUP (USA) INC.,	:	
	:	
Plaintiff,	:	
	:	No. 09cv528 (RA)
-against-	:	DECLARATION OF
	:	THOMAS KJELLBERG
	:	
AMERICAN BUDDHA,	:	
	:	
Defendant.	:	

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

1. Printouts of the access pages for *Oil!*, by Upton Sinclair, accessible without restriction at <http://www.american-buddha.com/lit.oil.sinclair.htm> and <http://www.naderlibrary.com/lit.oil.sinclair.htm>, are submitted herewith as Exhibit 1.
2. Printouts of the access pages for *It Can't Happen Here* by Sinclair Lewis, accessible without restriction at <http://www.american-buddha.com/itcanthappenhere.toc.htm> and <http://www.naderlibrary.com/itcanthappenhere.toc.htm>, are submitted herewith as Exhibit 2.
3. Printouts of the access pages for the E. J. Kenney translation of *The Golden Ass* by Apuleius, accessible without restriction at <http://www.american-buddha.com/goldenass.toc.htm> and <http://www.naderlibrary.com/goldenass.toc.htm>, are submitted herewith as Exhibit 3.

4. Printouts of the access pages for the R. E. Latham translation of *On the Nature of the Universe* by Lucretius, accessible without restriction at <http://www.american-buddha.com/on.nature.toc.htm> and <http://www.naderlibrary.com/on.nature.toc.htm>, are submitted herewith as Exhibit 4.

5. Printouts of pages titled AMERICAN BUDDHA ONLINE LIBRARY COPYRIGHT NOTICE, available at www.american-buddha.com/money.toc.htm, and THE RALPH NADER LIBRARY COPYRIGHT NOTICE, available at www.naderlibrary.com/naderlibrarymemberinfo.htm, are submitted herewith as Exhibit 5.

6. A copy of the December 18, 2008 letter of Richard Dannay to Charles Carreon is submitted herewith as Exhibit 6.

7. A copy of the December 18, 2008 letter of Charles Carreon to Richard Dannay is submitted herewith as Exhibit 7.

8. A copy of the December 23, 2008 letter of Richard Dannay to Charles Carreon is submitted herewith as Exhibit 8.

9. A copy of the December 23, 2008 letter of Charles Carreon to Richard Dannay is submitted herewith as Exhibit 9.

10. A copy of the January 5, 2009 letter of Richard Dannay to Jacob Hammond, headed "Notification of Copyright Infringement," is submitted herewith as Exhibit 10.

11. 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 11.

12. Scans of the copyright pages from the Penguin editions of *Oil!; It Can't Happen Here; The Golden Ass*; and *On the Nature of the Universe* are submitted herewith as Exhibit 12.

13. The transcript of the Skype-Conferenced Deposition of Tara Carreon is submitted herewith as Exhibit 13.

14. A photograph of an Apple iPad screen, on which American Buddha's unauthorized electronic version of *Oil!* is displayed directly via the built-in Web browser, and may be read without downloading, is submitted herewith as Exhibit 14.

15. Photographs of the screen of a Verizon Blackberry Storm smartphone, on which pages from American Buddha's unauthorized electronic version of *Oil!* is displayed directly via the built-in Web browser, and may be read without downloading, are submitted herewith as Exhibit 15.

16. Photographs of the screen of an Apple iPhone 4S, on which pages from American Buddha's unauthorized electronic version of *Oil!* is displayed directly via the built-in Web browser, and may be read without downloading, are submitted herewith as Exhibit 16.

17. A printout of American Buddha's "signup page," <http://www.american-buddha.com/newsignuppage.htm>, touting "the American Buddha Online Library, the world's best media website," and featuring the cover of the current Penguin edition of Upton Sinclair's *Oil!*, is submitted herewith as Exhibit 17.

18. A printout of the Naderlibrary.com homepage, <http://www.naderlibrary.com>, offering "Online Library Access For All," and featuring the cover of the current Penguin edition of Upton Sinclair's *Oil!* as well as links to unauthorized e-book versions of the four Penguin books at issue in this action (*Oil!*, *It Can't Happen Here*, *The Golden Ass*, and *On the Nature of the Universe*), is submitted herewith as Exhibit 18.

19. A printout of the Amazon.com "sell page" for *Another View On Whether Tibetan Buddhism Is Working In The West* (ASIN B002FQK4PS), listing "Tara Carreon (Author)" and

“Publisher: American Buddha,” and stating an “Amazon Best Sellers Rank” for the work, is submitted herewith as Exhibit 19.

20. A printout of the Amazon.com “sell page” for *TIDS - Tantra-Induced Delusional Syndrome (A White-Hat Lawyer Investigative Report)* (ASIN B002D48OEK), listing “Charles Carreon (Author)” and “Publisher: American Buddha,” and stating an “Amazon Best Sellers Rank” for the work, is submitted herewith as Exhibit 20.

21. A printout of the Amazon.com “sell page” for *Born In Tibet, Again: The Exile of the 12th Trungpa Tulku (American Buddha Biographies)* (ASIN B0013ERAAA), listing “Charles Carreon (Author)” and “Publisher: American Buddha,” and stating an “Amazon Best Sellers Rank” for the work, is submitted herewith as Exhibit 21.

22. A printout of the Amazon.com “sell page” for *The Dalai Lamas - Prisoners of the Potala (A White-Hat Lawyer Investigative Report)* (ASIN B002EQAT0Y), listing “Charles Carreon (Author)” and “Publisher: American Buddha,” and stating an “Amazon Best Sellers Rank” for the work, is submitted herewith as Exhibit 22.

23. A printout of the Amazon.com “sell page” for *Killer Krishnas From Inner Space (A White-Hat Lawyer Investigative Report)* (ASIN B002EQ9ZVS), listing “Charles Carreon (Author)” and “Publisher: American Buddha,” and stating an “Amazon Best Sellers Rank” for the work, is submitted herewith as Exhibit 23.

24. A printout of the Amazon.com “sell page” for *A Legend In His Own Mind – Michael Ruppert Soldiers On (American Buddha Biographies)* (ASIN B0013ES44G), listing “Charles Carreon (Author)” and “Publisher: American Buddha,” and stating an “Amazon Best Sellers Rank” for the work, is submitted herewith as Exhibit 24.

25. A printout of the Amazon.com “sell page” for *Jack Abramoff's House of Cards (American Buddha Biographies)* (ASIN B0013E08HI), listing “Charles Carreon (Author)” and

“Publisher: American Buddha,” and stating an “Amazon Best Sellers Rank” for the work, is submitted herewith as Exhibit 25.

26. A printout of the Amazon.com “sell page” for *No Good Deed Will Go Unpunished – The Mike Bianca Story (American Buddha Biographies)* (ASIN B0013ES6BW), listing “Charles Carreon (Author)” and “Publisher: American Buddha,” and stating an “Amazon Best Sellers Rank” for the work, is submitted herewith as Exhibit 26.

27. A printout of the Amazon.com “sell page” for *The Terrorist Who Loved Me – The Betrayal of Pete Seda (American Buddha Biographies)* (ASIN B0013EXTRI), listing “Charles Carreon (Author)” and “Publisher: American Buddha,” and stating an “Amazon Best Sellers Rank” for the work, is submitted herewith as Exhibit 27.

28. A printout of the Amazon.com “sell page” for *The INSLAW Affair: Investigative Report by The Committee on The Judiciary Together With Dissenting and Separate Views* (ASIN B0036FTZIY), listing “102nd Congress House Judiciary Committee (Author)” and “Publisher: American Buddha Online Library,” stating an “Amazon Best Sellers Rank” for the work, and stating that

this is a legendary document now available on Kindle through the efforts of the American Buddha Online Library Chief Librarian, Tara Carreon

is submitted herewith as Exhibit 28.

29. A printout of the Amazon.com “sell page” as of March 13, 2009 for *What Is Buddhism? (American Buddha Philosophy)* (ASIN B0013L81AG), listing “Charles Carreon (Author), Tara Carreon (Author)” and “Publisher: American Buddha,” and stating an “Amazon Best Sellers Rank” for the work, is submitted herewith as Exhibit 29.

30. A printout of the Amazon.com “sell page” as of March 13, 2009 for *Lucretius, Sage of The First Millennium (American Buddha Biographies)* (ASIN B0013EURSM), listing

“Charles Carreon (Author)” and “Publisher: American Buddha,” and stating an “Amazon Best Sellers Rank” for the work, is submitted herewith as Exhibit 30.

31. A printout of the Amazon.com “sell page” as of March 13, 2009 for *The Revolution Will Not Be Capitalized: Che Guevara* (ASIN B0013ENSJC), listing “Charles Carreon (Author)” and “Publisher: American Buddha,” and a printout of the same “sell page” as of the date hereof, listing “Charles Carreon (Author)” and “Publisher: 1 Prime Publishing,” in each case stating an “Amazon Best Sellers Rank” for the work, are submitted herewith as Exhibit 31.

32. The transcript of the Skype-Conferenced Deposition of Charles Carreon is submitted herewith as Exhibit 32.

33. Printouts of IPIT (Image Preview and Inspection Tool) pages produced by Amazon.com, Inc., showing American Buddha designated as Publisher of *What Is Buddhism? (American Buddha Philosophy)*; *Another View On Whether Tibetan Buddhism Is Working In The West*; *TIDS - Tantra-Induced Delusional Syndrome (A White-Hat Lawyer Investigative Report)*; *Born In Tibet*; *Again: The Exile of the 12th Trungpa Tulku (A White-Hat Lawyer Investigative Report)*; *The Dalai Lamas - Prisoners of the Potala (A White-Hat Lawyer Investigative Report)*; *Killer Krishnas From Inner Space (A White-Hat Lawyer Investigative Report)*; *A Legend In His Own Mind -- Michael Ruppert Soldiers On*; *No Good Deed Will Go Unpunished -- The Mike Bianca Story (A White-Hat Lawyer Investigative Report)*; *Lucretius, Sage of The First Millennium (American Buddha Biographies)*; *The Terrorist Who Loved Me -- The Betrayal of Pete Seda*; and *The INSLAW Affair: Investigative Report by The Committee on The Judiciary Together With Dissenting and Separate Views*, are submitted herewith as Exhibit 33.

34. (a) A document setting forth links from “Charles’ Primer of Online Media Law” on the Naderlibrary.com home page to <http://www.onlinemedialaw.com>, to

<http://sex.comchronicles.com>, to <http://www.amazon.com/The-Sex-Com-Chronicles-White-Hat-Internet/dp/1439201013>, where *The Sex.Com Chronicles: A White-Hat Lawyer's Journey to the Dark Side of the Internet* may be purchased from Amazon.com; and (b) a printout of the internal page <http://sex.comchronicles.com/products> as of August 8, 2011, showing “Buy Now” links to purchase “High-quality Softcover” and “Wireless Kindle” editions from Amazon.com, as well as “Add To Cart” links to purchase “Downloadable eBook (Acrobat PDF),” “Downloadable eBook (MobiPocket)” and “Scribd eBook for Screen or Mobile” versions directly from the sex.comchronicles.com website, are submitted herewith as Exhibit 34.

35. Printouts of WHOIS records for american-buddha.com and naderlibrary.com

(a) as of March 14, 2009, showing the Registrant for both domain names to be Online Media Law, PLLC, and the Administrative and Technical Contact for both domains to be Charles Carreon, and

(b) as of the date hereof, showing “Whois Privacy,” provided by Whois Privacy Services Pty Ltd (whoisprivacyservices.com.au), enabled on both domains, so that Online Media Law’s and Mr. Carreon’s identities are concealed and generic information displayed instead,

are submitted herewith as Exhibit 35.

36. The April 13, 2007 letter of Charles Carreon to the General Counsel of Google Inc. is submitted herewith as Exhibit 36.

37. The unsolicited email I received from American Buddha (ambu@american-buddha.com) on September 2, 2009 at my office email address in New York City, stating

... Thanks to the interest generated through the site, Lester Coleman, the DIA agent who co-authored *Trail of the Octopus -- From Beirut to Lockerbie -- Inside the DIA*, got in touch with us and we have collaborated to help him get this fantastic book back into print. Click here to buy it on Amazon ...

is submitted herewith as Exhibit 37.

38. A printout of the Amazon.com “sell page” for *Trail of the Octopus -- From Beirut to Lockerbie -- Inside the DIA* [Paperback], to which the “Click here” link in American Buddha’s September 2, 2009 email leads directly, is submitted herewith as Exhibit 38.

39. The Declaration of Amazon.com, Inc. Custodian of Records Lynn Radliff, showing the royalties earned, paid, and unpaid to Online Media Law, PLLC for all titles for which it receives royalties, as of July 26, 2012, to be \$2,078.33, \$2,058.94 and \$19.39, is submitted herewith as Exhibit 39.

40. A printout of a page titled AMERICAN BUDDHA ONLINE LIBRARY / What is The American Buddha Online Library? from the American-buddha.com website, www.american-buddha.com/index.htm?signup, as of March 17, 2009, is submitted herewith as Exhibit 40.

41. A printout of a page, available at <http://www.american-buddha.com/copyright>, providing links to “Download Winamp to play MP3s” and to

Try Our Top Two Recommendations

1. George Bush: The Unauthorized Biography,
by Webster G. Tarpley & Anton Chaitkin

2. It Can't Happen Here, by Sinclair Lewis

is submitted herewith as Exhibit 41.

42. A printout of email.list.red.txt, the American Buddha email list produced in redacted form, is submitted herewith as Exhibit 42.

43. On February 16, 2009 I downloaded from the Naderlibrary.com website complete copies of the four literary works at issue in this action, (1) *Oil!* by Upton Sinclair; (2) *It Can't Happen Here* by Sinclair Lewis; (3) the E. J. Kenney translation of *The Golden Ass* by Apuleius; 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 are no

technological or other measures in place controlling access to or preventing copying of the Penguin works, or any of the copyrighted works of third parties, available on the Naderlibrary.com site and the American-buddha.com site.

44. In August 2011, I converted those Microsoft Word files to Adobe PDF format. Converting each file involved several mouse clicks, and took a few seconds.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON NOVEMBER 6, 2012 AT NEW YORK, NEW YORK.

s/ Thomas Kjellberg
Thomas Kjellberg