

ADDENDUM A

1. The Nature of the Action

On June 1, 2009, Plaintiff-Appellee J.D. Salinger (“Appellee”), author of *The Catcher In The Rye* (“*Catcher*”), filed a complaint in the United States District Court for the Southern District of New York against Defendants-Appellants Fredrik Colting, writing under the name John David California, Windupbird Publishing, Ltd., Nicotext A.B., and ABP Inc. d/b/a SCB Distributors Inc. (“Appellants”), alleging claims for copyright infringement and common law unfair competition arising from Appellants’ authorship and imminent publication of the book *60 Years Later: Coming Through The Rye* (“*60 Years*”).

Appellee contemporaneously filed by order to show cause a motion for a preliminary injunction to enjoin the advertising, publication and distribution of *60 Years* in the United States pending resolution of the suit on the grounds that *60 Years* infringed upon Appellee’s copyright rights in *Catcher* and in the character Holden Caulfield. In opposition to Appellee’s motion, Appellants asserted that preliminary injunctive relief was not appropriate on the following grounds: 1) Appellee could not establish the likelihood of success on the merits; 2) *60 Years* is protected speech as a fair use of Appellee’s copyrightable material; and 3) Appellee’s failure to show irreparable harm and there is no presumption of irreparable injury.

2. The Result Below

By Memorandum and Order dated July 1, 2009, the District Court granted Appellee's motion for a preliminary injunction enjoining Appellants from publishing, advertising, or otherwise distributing *60 Years* in the United States of America during the pendency of the suit, finding that Appellee was likely to succeed in proving that *60 Years* infringed Appellee's copyrights in *Catcher* and Holden Caulfield, that *60 Years* was not a fair use of Appellee's copyright-protected material, and that irreparable injury was presumed.

3. The Notice of Appeal and Lower Court Docket Sheet

Attached hereto as Exhibit 1 is a copy of the Notice of Appeal, filed on July 2, 2009.

Attached hereto as Exhibit 2 is a copy of the current docket sheet for *Salinger v. Colting*, No. 09 Civ. 5095 (DAB) (S.D.N.Y.).

4. The Relevant Opinions Orders

Attached hereto as Exhibit 3 is a copy of the transcript dated June 17, 2009, in *Salinger v. Colting*, No. 09 Civ. 5095 (DAB) (S.D.N.Y.).

Attached hereto as Exhibit 4 is a copy of the memorandum and order dated July 1, 2009, in *Salinger v. Colting*, No. 09 Civ. 5095 (DAB) (S.D.N.Y.).