

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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J.D. SALINGER, individually and as TRUSTEE	:	
OF THE J.D. SALINGER LITERARY TRUST,	:	09-2878
	:	
Plaintiff-Appellee,	:	USDC (SDNY)
	:	09 Civ. 05095 (DAB)
-against-	:	
	:	<b><u>DECLARATION OF</u></b>
FREDRIK COLTING, writing under the name	:	<b><u>EDWARD H. ROSENTHAL</u></b>
JOHN DAVID CALIFORNIA; WINDUPBIRD	:	
PUBLISHING LTD; NICOTEXT A.B.; and ABP,	:	
INC. d/b/a SCB DISTRIBUTORS, INC.,	:	
	:	
Defendants-Appellants.	:	
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I, Edward H. Rosenthal, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a member of Frankfurt Kurnit Klein & Selz, P.C., the attorneys for 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") in the above-captioned action. I submit this declaration in support of Defendants' Motion for Expedited Review of their appeal in this action.

2. This case involves the book *60 Years Later: Coming Through the Rye* ("60 Years"), which is written by defendant-appellant Colting and is to be published and distributed by Appellants. On June 1, 2009, Plaintiff-Appellee J.D. Salinger ("Salinger") moved for a preliminary injunction banning the publication of *60 Years*. By order dated July 1, 2009 (the "July 1 Order"), the District Court (Batts, J) granted Salinger's motion and issued a preliminary injunction enjoining Defendants from advertising, publishing or distributing *60 Years* (the "Injunction") in the United States. A copy of the District Court's Memorandum and Order issuing the Injunction is attached hereto as Exhibit A.

3. The Declaration of defendant-appellant Fredrik Colting, dated June 14, 2009 and submitted to the District Court in opposition to Salinger's motion for a preliminary injunction is attached hereto as Exhibit B.

4. The Declaration of Martha Woodmansee, dated June 14, 2009 and submitted to the District Court in opposition to Salinger's motion for a preliminary injunction, is attached hereto as Exhibit C.

5. The Declaration of Robert Spoo, dated June 15, 2009 and submitted to the District Court in opposition to Salinger's motion for a preliminary injunction, is attached hereto as Exhibit D.

6. The Declaration of Aaron Silverman, the President and an owner of defendant-appellant ABP, Inc. d/b/a/ SCB Distributors, Inc., dated June 12, 2009 submitted to the District Court in opposition to Salinger's motion for a preliminary injunction, is attached hereto as Exhibit E.

Dated: New York, New York  
July 8, 2009



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EDWARD H. ROSENTHAL