

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

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J.D. SALINGER, individually and as TRUSTEE
OF THE J.D. SALINGER LITERARY TRUST, :
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Plaintiff, :
:
-against- :
:
JOHN DOE, writing under the name JOHN
DAVID CALIFORNIA; WINDUPBIRD
PUBLISHING LTD; NICOTEXT A.B.; and
ABP, INC. d/b/a SCB DISTRIBUTORS, INC., :
:
Defendants. :
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09 Civ. 05095 (DAB)

DECLARATION OF AARON SILVERMAN

I, Aaron Silverman, declare under penalty of perjury that the following is true and correct.

1. I am the President and an owner of ABP, Inc. d/b/a SCB Distributors (“SCB”), a California corporation and a defendant in this matter. I submit this declaration in opposition to plaintiffs’ motion for a preliminary injunction enjoining the publication of *60 Years Later: Coming Through the Rye* (“*60 Years*”) in the United States.

2. SCB has obtained the rights to distribute *60 Years*, which was written by Fredrik Colting, under the pseudonym “John David California.” *60 Years* has been published in the United Kingdom by Windupbird Publishing, a company co-owned by

Colting. The book is scheduled for publication by SCB in the United States in late summer.

The Front and Back Cover of *60 Years*

3. Attached as Exhibit A to this declaration is a mock-up of the cover that will be used on the hard cover version of *60 Years* which we plan to publish. Because of the concerns raised by Mr. Salinger in this lawsuit and to make sure that there is no confusion about the source and nature of *60 Years*, the cover of the book includes a prominent disclaimer describing it as “A Fictional Examination of the Relationship Between J.D. Salinger and his Most Famous Character.” In addition, there is a statement on the back cover of *60 Years* which reads: “This critical literary speculation has not been approved, licensed, or endorsed by J.D. Salinger.” The word UNAUTHORIZED appears on the spine of the book. Nowhere on the cover of the book is *60 Years* referred to as a sequel. As described more fully in defendants’ submission in opposition to Mr. Salinger’s attempt to stop publication of *60 Years*, the book is not a sequel and will not be marketed as such.

SCB Will Be Harmed if *60 Years* is Enjoined or its Publication is Delayed

4. SCB is a distributor of books for approximately 140 independent book publishers. On behalf of our publisher clients, we distribute books to retail book outlets, national book chains, regional and national wholesalers, libraries and religious and spiritual book stores in the United States and Canada.

5. We are a small company with limited resources. We already have put great energy behind *60 Years*. The book was given a prominent position in our catalogue. We showcased the book at our May sales meeting encouraging our twenty-

seven staff sales people to promote the book in their visits to our customers. We also assisted the publisher in identifying the appropriate stores to send advance copies of *60 Years*.

6. If the book is enjoined or delayed in any way, we will lose the momentum and public interest created by our sales efforts. In addition, if our sale representatives are not able to fill orders for *60 Years*, both those representative and SCB will lose credibility with our customers

7. *60 Years* is a significant book for us. We believe it is a book of great literary merit and anticipate that it will be a successful novel. SCB has publicly expressed its confidence in *60 Years* in both international settings and meetings for our salespeople. By enthusiastically recommending this book, we have placed our taste and reputation on a very public line. If the book is enjoined, SCB's reputation would be tarnished.

Dated: June 12, 2009
Gardenia, California



Aaron Silverman