



5. This is the second copyright infringement lawsuit I have brought on behalf of the Plaintiffs for the protection of Mr. Giblin's copyright in *Skill With People*.

6. The first lawsuit was filed against Network TwentyOne International, Inc. in the United States District Court for the Northern District of Georgia, Civil Action File No. 1-02-CV-0541-TWT.

7. Defendant Internet Services Corporation was aware of this previous lawsuit and entered into a joint defense agreement with Network TwentyOne, even though the Plaintiffs had not pled any claims against Internet or sought to join Internet as a party.

8. Moreover, Network TwentyOne filed a subsequent action against Plaintiffs after the filing of the Federal action and pled claims including extortion.

9. Network TwentyOne alleged among other things that Plaintiffs attempted to extort money from Network TwentyOne and Internet by attempting to enforce Mr. Giblin's copyright in *Skill With People*.

10. Plaintiffs and Network TwentyOne settled both actions, which were dismissed with prejudice.

11. As part of the settlement, Network TwentyOne provided a letter of apology relating to its allegations of extortion.

12. Both Network TwentyOne and Internet are motivational support networks.

13. Prior to filing this action, Plaintiffs attempted to amicably resolve this matter through a third party known to both Plaintiffs and Defendants, who could act as an intermediary and possibly avoid having to file suit.

14. Plaintiffs advised this third party of the Defendants' infringement of *Skill With People*.

15. In this regard, drafts of the Complaint and Brief In Support of Plaintiff's Motion for Preliminary Injunction were shared with the third party for this purpose.

16. Plaintiffs delayed the filing of this action to allow the third party to meet with Plaintiffs and discuss their potential lawsuit with the Defendants.

17. Prior to the filing of this action, James Carlson, Internet's in-house counsel, contacted me about resolving this dispute after having spoken with the third party.

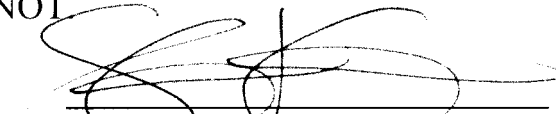
18. During these discussions, I advised Mr. Carlson that one of the remedies the Plaintiffs sought was the removal of Mr. Yager's *Basic People Skills* from the marketplace.

19. On or about April 10 or 11, 2003, Mr. Carlson informed me that Internet had already taken steps to remove Mr. Yager's book from the marketplace, and that Internet would no longer be selling or distributing Mr. Yager's book.

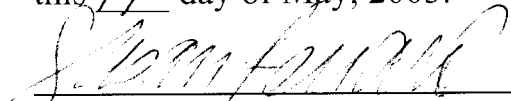
20. Mr. Carlson did not offer to remove Mr. Yager's book from the marketplace as part of any settlement offer or contingent upon any agreement between the parties.

21. Rather, Mr. Carlson stated as a matter of fact that Internet was withdrawing the book and would no longer publish, distribute or sell it.

FURTHER AFFIANT SAYETH NOT

  
\_\_\_\_\_  
STEVEN M. KUSHNER

Sworn to and subscribed before me  
this 19 day of May, 2003.

  
\_\_\_\_\_  
Notary Public

My commission expires: 2-10-07

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

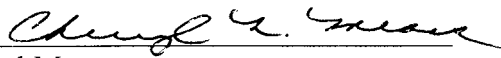
Leslie T. Giblin and Les Giblin Books, Inc., ) Civil Action No.0-03-1349-17  
)  
Plaintiffs, )  
)  
vs. )  
)  
Dexter Yager, Doyle Yager and )  
InterNET Services Corporation, )  
)  
Defendants. )  
\_\_\_\_\_)

**CERTIFICATE OF SERVICE BY MAIL**

I hereby certify that I have served a copy of the Affidavit of Leslie T. Giblin; Affidavit of Charles "T" Jones; Affidavit of Michael Destefan; and Affidavit of Steven M. Kushner, Esquire, in the above-captioned matter by depositing same in the United States Mail, with sufficient postage affixed, to the individuals at the addresses as indicated below:

W. Thad Adams, III, Esquire  
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Cheryl Means  
Legal Secretary

Columbia, South Carolina  
May 20, 2003