

1 Maria K. Nelson (State Bar No. 155,608)  
mknelson@jonesday.com  
2 Anna E. Raimer (State Bar No. 234,794)  
aeraimer@jonesday.com  
3 JONES DAY  
555 South Flower Street, Fiftieth Floor  
4 Los Angeles, CA 90071-2300  
Telephone: (213) 489-3939  
5 Facsimile: (213) 243-2539

6 Attorneys for Defendants  
SEÁN SWEENEY, IN HIS CAPACITY AS TRUSTEE  
7 OF THE ESTATE OF JAMES JOYCE, AND THE  
ESTATE OF JAMES JOYCE  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 **CAROL LOEB SHLOSS,**  
12 **Plaintiff,**  
13 **v.**  
14 **SEÁN SWEENEY, in his capacity as**  
15 **trustee of the Estate of James Joyce, and**  
16 **THE ESTATE OF JAMES JOYCE,**  
17 **Defendants.**

**Case No. C06-3718 JW HRL**  
**DECLARATION OF SEÁN**  
**SWEENEY IN SUPPORT OF**  
**DEFENDANTS' MOTION TO**  
**DISMISS CAROL LOEB SHLOSS'S**  
**COMPLAINT**

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 I, Seán Sweeney, do hereby declare:

2 1. I am a Trustee of The Estate of James Joyce (“The Estate”). I make this  
3 declaration in support of myself, in my capacity as Trustee of the Estate of James Joyce, as well  
4 as The Estate, in the litigation brought against us by Carol Loeb Shloss. Except as otherwise  
5 stated, I have personal and first-hand knowledge of the facts set forth herein, and if called as a  
6 witness, I could and would testify competently thereto.

7 2. The Trustees of The Estate are the sole legal owners of the copyrights in all of the  
8 works of James Joyce, and are entitled to enforce these copyrights under copyright laws in the  
9 United States.

10 3. It is my understanding that Stephen James Joyce, also a Trustee of The Estate, is  
11 the sole beneficial owner of, and controls, the copyrights in all of the works of his aunt, Lucia  
12 Joyce. It is my understanding that Stephen James Joyce shares the ownership of the copyrights to  
13 the works of his mother, Helen Kastor Joyce, with Dorothy Fleischman. It is my further  
14 understanding that Mrs. Fleischman wrote to Ms. Shloss in 2003, indicating that the consent for  
15 the use of Helen Kastor Joyce’s works by Ms. Shloss should come from Stephen J. Joyce.

16 4. For over sixty years, The Estate has administered the copyrights in the works of  
17 James Joyce. The Estate has also been devoted to preserving and protecting the integrity, spirit  
18 and letter of James Joyce’s works. Further, The Estate has made a priority of protecting the much  
19 abused and invaded privacy of the Joyce family.

20 5. I have been a Trustee of The Estate since 1991. During that time, The Estate has  
21 not been a plaintiff or defendant in any case filed in the United States. It is my understanding and  
22 belief that The Estate has never brought a lawsuit for copyright infringement in the United States.

23 6. On information and belief, Ms. Shloss provided a version of her Electronic  
24 Supplement, which is at issue in the present litigation, to Stephen James Joyce in 2005. A copy  
25 of that Electronic Supplement is attached to the Declaration of Grace Smith as Exhibit 2.

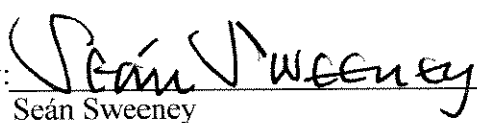
26 7. The Estate and its Trustees have no intention of filing a copyright infringement  
27 suit against Ms. Shloss, and have never had any such intention, for her use of the 2005 version of  
28 the Electronic Supplement. Furthermore, as a Trustee of The Estate, I declare that The Estate

1 covenants not to sue Ms. Shloss for copyright infringement in connection with the 2005 version  
2 of the Electronic Supplement, provided that said Electronic Supplement is used exactly as alleged  
3 in the Complaint. That is, that the Electronic Supplement is placed on a Website that is accessible  
4 only within the United States.

5 I declare under penalty of perjury under the laws of the United States of America that the  
6 foregoing is true and correct.

7 Executed outside the United States at Paris, France, this 24th day of October, 2006.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By:   
Seán Sweeney