

cc [unclear] (7/01)
Beck
SUNTR

DUPLICATE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

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SUNTRUST BANK, as Trustee	:	
of the Stephens Mitchell	:	
trusts f/b/o Eugene Muse	:	
Mitchell and Joseph Reynolds	:	
Mitchell,	:	CASE NO. 1:01 CV-701-CAP
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
HOUGHTON MIFFLIN COMPANY,	:	
	:	
Defendant.	:	
	:	

-----X

NOTICE OF DEPOSIT OF CASH BOND
AS SECURITY FOR PRELIMINARY INJUNCTION

Plaintiff SunTrust Bank, as Trustee of the Stephens Mitchell trusts f/b/o Eugene Muse Mitchell and Joseph Reynolds Mitchell ("Plaintiff"), submits this Notice of Deposit of Cash Bond As Security For Preliminary Injunction.

WHEREAS by Order of April 20, 2001, the Court granted Plaintiff's Motion for preliminary injunction and provided that same was effective upon Plaintiff's posting of security pursuant to Rule 65(c), Fed.R.Civ.P., in the amount of \$250,000;

NOW, THEREFORE, Plaintiff hereby deposits with the Clerk a cash bond in the amount of \$250,000.00 as security for the

payment of such costs and damages as may be incurred or suffered by any party in the event that such party is found to have been wrongfully enjoined or restrained.

This 23^d day of April, 2001.



William B. Smith
(Georgia Bar No. 664637)
Ralph R. Morrison
(Georgia Bar No. 525145)
Anne M. Johnson
(Georgia Bar No. 392229)
JONES, DAY, REAVIS & POGUE
3500 SunTrust Plaza
303 Peachtree Street, N.E.
Atlanta, Georgia 30308-3242
Telephone (404) 521-3939
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Of Counsel:

FRANKFURT GARBUS KURNIT KLEIN & SELZ, P.C.
488 Madison Avenue
New York, New York 10022
Telephone (212) 980-0120
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Attorneys for Plaintiff

This check has a blue background or white paper and some of the security features on this document include: a Watermark, MicroPrint signature line, and a holographic foil stamp; absence of these features will indicate a copy.

SUNTRUST

Official Check

8809075026

1451 0301

Purchaser MITCHELL TRUST

Date Apr 23 2001

Initials (Type) Center

PAY *****\$250,000.00*****

\$250,000.00*

To the Order of CLERK US DISTRICT COURT (NDG)

SunTrust Banks, Inc. by its Authorized Agent
SunTrust Bank Atlanta

SUNTRUST BANK TRUSTEE MITCHELL TRUSTS V.
HOUGHTON MITCHELL CO. CIVIL ACTION NO. 7-01-CV-701-EAB

[Handwritten Signature]
Authorized Signature

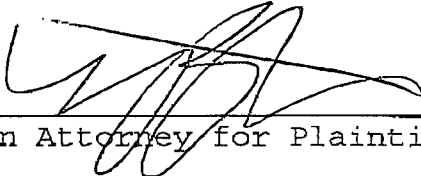
Payable at SunTrust Bank

⑈8809075026⑈ ⑆064202750⑆ 7019019996⑈

CERTIFICATE OF SERVICE

This is to certify that I have this 23rd day of April, 2001, caused a true and correct copy of the NOTICE OF DEPOSIT OF CASH BOND AS SECURITY FOR PRELIMINARY INJUNCTION to be hand delivered, addressed to counsel for Defendant as follows:

Miles J. Alexander, Esq.
Jerre B. Swann, Esq.
Joseph M. Beck, Esq.
Kilpatrick Stockton LLP
1100 Peachtree Street, N.E.
Suite 2800
Atlanta, Georgia 30309-4530


An Attorney for Plaintiff