

SURETEC INSURANCE COMPANY DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 11/4/2015

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELSEVIER INC., ELSEVIER B.V., and ELSIVR LTD.,

BOND NO. 3377462

Plaintiffs,

**UNDERTAKING ON
PRELIMINARY INJUNCTION**

- against -

WWW.SCI-HUB.ORG, THE LIBRARY GENESIS
PROJECT, d/b/a LIBGEN.ORG, ALEXANDRA
ELBAKYAN, and JOHN DOES 1-99,

15 Civ. 4282 (RMS)

Defendants.
-----X

WHEREAS, the above named Plaintiffs, ELSEVIER INC., ELSEVIER B.V., and ELSIVR LTD., have applied for a **Preliminary Injunction** in the above entitled action, enjoining the Defendants, WWW.SCI-HUB.ORG, THE LIBRARY GENESIS PROJECT, d/b/a LIBGEN.ORG, ALEXANDRA ELBAKYAN, and JOHN DOES 1-99, from doing things as more fully set forth in the Opinion signed by the Hon. Robert M. Sweet on October 28, 2015 and filed October 30, 2015 under and by virtue of the Federal Rules of Civil Procedure upon the posting of an undertaking in the sum of **FIVE THOUSAND AND 00/100 (\$5,000.00) DOLLARS**.

NOW, THEREFORE, the **SURETEC INSURANCE COMPANY**, duly licensed to transact business in the State of New York and having an office and principal place of business at 3033 5th Ave, #300, San Diego, CA, 92103, as Surety, does hereby undertake that the Plaintiffs, ELSEVIER INC., ELSEVIER B.V., and ELSEVIER LTD., will pay to the Defendants, so enjoined, such damages and costs not exceeding the sum of **FIVE THOUSAND AND 00/100 (5,000.00) DOLLARS**, as Defendants may sustain by reason of the **Preliminary Injunction**, if the Court shall finally decide that the Plaintiffs were not entitled thereto: such damages and costs to be ascertained by a reference, or otherwise as the Court shall direct.

Dated: November 3rd, 2015

SURETEC INSURANCE COMPANY

By: 

**WILLIAM J. PEDERSEN
ATTORNEY-IN-FACT**

SURETY ACKNOWLEDGEMENT

STATE OF NEW YORK
COUNTY OF NEW YORK

SS:

On this 3rd day of November in the year 2015, before me personally came **William J. Pedersen** to me known, who being by me duly sworn, did depose and say that he resides in **New York, N.Y.**; that he is Attorney-in-Fact of **SURETEC INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he knows the seal affixed to said instrument is such corporate seal; that it was affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

Neil P. Pedersen
Notary Public, State of New York
No. 01-PE6236258
Qualified in New York County
Commission Expires February 28, 2019



APPROVED 11/4/2015

CLERK OF COURT

BY 

Deputy Clerk

POA #: 3210003

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Neil P. Pedersen, William J. Pedersen

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Two Million and 00/100 Dollars (\$2,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 12/31/2016 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 21st day of March, A.D. 2013.

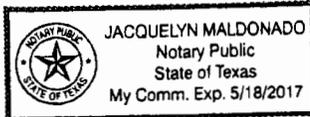
SURETEC INSURANCE COMPANY

By: 
John Knox Jr., President



State of Texas ss:
County of Harris

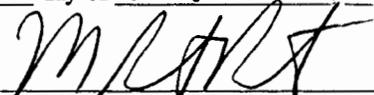
On this 21st day of March, A.D. 2013 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.




Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2017

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 3 day of November 2015, A.D.


M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

SURETEC INSURANCE COMPANY

1330 Post Oak Blvd., Suite 1100

Houston, Texas 77056

(713) 812-0800

Financial Information:

As of:	Dec. 31, 2012	Dec. 31, 2013	Dec. 31, 2014
Total Assets	\$150,313,814	\$158,500,504	\$175,585,675
Total Liabilities	\$78,014,698	\$79,597,557	\$93,701,407
Asset to Liability Ratio	1.9	1.9	1.8
Capital	\$5,000,000	\$5,000,000	\$5,000,000
Net Surplus	\$67,299,115	\$73,021,536	\$76,884,269
Net Life Ins	N/A	N/A	N/A

Premiums:

As of:	Dec. 31, 2012	Dec. 31, 2013	Dec. 31, 2014
Life and Annuities	N/A	N/A	N/A
Accident and Health	\$0	\$0	\$0
Property and Casualty	\$18,692,583	\$22,626,234	\$24,164,445
Total Texas Premium	\$18,692,583	\$22,626,234	\$24,164,445
National Premium	\$51,843,573	\$54,746,507	\$57,840,835