

1 THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF FLORIDA

3 CASE NO. 97-3924

4 JERRY GREENBERG, individually, and
5 IDAZ GREENBERG, individually,

6 Plaintiffs,

7 vs.

8 NATIONAL GEOGRAPHIC SOCIETY,
9 a District of Columbia corporation;
10 NATIONAL GEOGRAPHIC ENTERPRISES, INC.,
11 a corporation; and MINDSCAPE, INC.,
12 a California corporation,

13 Defendants.

COPY

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15 701 Brickell Avenue
16 Suite 2100
17 Miami, Florida
18 Wednesday, July 31, 2002
19 10:00 a.m. - 10:35 a.m.

20 DEPOSITION OF IDAZ GREENBERG
21 (Volume 2 - Pages 28 to 52)

22 Taken before Donald W. McKay, RMR, CRR, a
23 Notary Public for the State of Florida at Large,
24 pursuant to Notice of Taking Deposition filed in the
25 above-styled cause.

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PRESENT:

NORMAN DAVIS, ESQ., of the firm of
Steel Hector & Davis, LLP, on behalf
of the Plaintiffs.

ROBERT G. SUGARMAN, ESQ., of the firm of
Weil Gotshal & Manges, LLP, on behalf of
the Defendants.

ALSO PRESENT:

Jerry Greenberg

I N D E X

IDAZ GREENBERG	
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1 Thereupon,

2

IDAZ GREENBERG

3

was called as a witness by the Defendants, and

4

having been first duly sworn, testified as follows:

5

THE WITNESS: Yes, I do.

6

DIRECT EXAMINATION

7

BY MR. SUGARMAN:

8

Q. Ms. Greenberg, as I said when we started

9

the last session, or as Naomi said, if you don't

10

understand any of the questions I'm going to ask

11

you, please tell me and I'll rephrase them. And if

12

you don't ask me, I'll assume you do understand the

13

question. Is that fair?

14

A. Yes. Thank you.

15

MR. DAVIS: May I put that same objection

16

on the record, before we start?

17

MR. SUGARMAN: Yes.

18

MR. DAVIS: I'd like to object, and have it

19

as a standing objection, to the use of any of

20

the testimony or other information for the

21

purposes of dealing with the issue of the number

22

of works that should be counted in the

23

calculation of statutory damages. We had

24

objected to that in prior filings with the

25

Court, and I want to state it briefly here at

1 the outset. Thank you.

2 BY MR. SUGARMAN:

3 Q. Did you create any of the images or the
4 text which were published in the National Geographic
5 magazine and which are the subject of this lawsuit?

6 A. Yes.

7 Q. Which of the images, if you can remember
8 them, did you create?

9 A. In the sense of creating -- if you mean
10 taking the photographs, no. I did appear in the
11 article, the Buck Island article. This is a family
12 story.

13 Q. Did you write any of the text of any of the
14 articles?

15 A. I am credited as being the writer on the
16 Buck Island story, because I took notes while we
17 were shooting it. And they sent a writer from
18 National Geographic who stayed at our home with us
19 for three days or four days, and I told him about
20 the trip and he then wrote it in Geographic-ese.

21 Q. Did you personally suffer any damages as a
22 result of the publication of The Complete National
23 Geographic on CD-ROM? When I say "personally," I'm
24 distinguishing you, Idaz Greenberg, from Jerry
25 Greenberg and from Seahawk.

1 A. Well, first of all, I would have to object
2 to that distinction, because my husband and I work
3 together. We have been married for 47 years. We
4 have been in business together the entire time. So
5 it's hard to make a distinction.

6 Q. What I'm trying to get at is whether you as
7 a person, as opposed to you as part of Seahawk
8 Productions, which is the proprietorship, suffered
9 any personal damages as a result of the publication
10 of The Complete National Geographic on CD-ROM?

11 A. I'm not a proprietor of Seahawk Products.
12 It's a sole proprietorship. It's my husband's. I
13 consider it damage, the fact that work that was
14 created by us was not paid for and used in that
15 product.

16 Q. Have you made any attempt to calculate the
17 amount of those damages?

18 A. No.

19 Q. Do you as a plaintiff in this lawsuit
20 intend, at the damage trial, to attempt to quantify
21 the amount of those damages?

22 A. I don't understand what you --

23 Q. Yesterday, at Mr. Greenberg's deposition,
24 he said that he was seeking statutory damages.

25 A. Yes. We are.

1 Q. Is that your understanding of what the
2 plaintiffs in this lawsuit are going to seek at the
3 trial, statutory damages?

4 A. Yes. As of now.

5 Q. Has there been any discussion of changing
6 that? Just answer yes or no.

7 A. No.

8 Q. Have you or, to your knowledge, has anyone
9 else consulted with any experts to attempt to
10 determine an amount of money that the Geographic
11 would have paid had they negotiated with you and/or
12 Mr. Greenberg prior to publication of The Complete
13 National Geographic?

14 A. No.

15 Q. Have you made any calculation of the amount
16 that the National Geographic would have paid if
17 negotiations had taken place with you and/or your
18 husband before the publication of The Complete
19 National Geographic?

20 A. No.

21 Q. As of today, do you intend, at the damage
22 trial, to offer evidence of the amount of money that
23 National Geographic would have paid had there been a
24 negotiation between the Geographic and you and/or
25 your husband before publication?

1 MR. DAVIS: I'll object to the extent that
2 it calls for a legal conclusion.

3 THE WITNESS: I was going to say the same
4 thing. Basically, I don't do that, because it's
5 not my milieu.

6 BY MR. SUGARMAN:

7 Q. I understand that. But I'm asking you
8 whether it's your -- let me phrase it differently.

9 Is it your understanding, as we sit here
10 today, that the plaintiffs will offer any testimony
11 or evidence at the trial concerning the amount of
12 money that the Geographic would have paid had there
13 been a negotiation between you and/or your husband
14 and the Geographic prior to the publication of the
15 CD-ROM?

16 MR. DAVIS: Same objection.

17 THE WITNESS: It's so speculative, I
18 couldn't even guess at anything like that.

19 BY MR. SUGARMAN:

20 Q. What is speculative?

21 A. Your whole -- first of all, how could we
22 have evaluated anything before the product was out,
23 when we found out about it when the barn door was
24 open? No way to go back in history.

25 Q. My question isn't how you would do it. My

1 question is whether you intend to attempt to
2 quantify that amount or to estimate that amount at
3 the trial.

4 MR. DAVIS: Same objection.

5 THE WITNESS: That wouldn't be what I would
6 do.

7 BY MR. SUGARMAN:

8 Q. Let me show you three books that were
9 marked at yesterday's deposition. They are Jerry
10 Greenberg Exhibits 21, 22, and 23.

11 A. Thank you.

12 Q. In his testimony, Mr. Greenberg testified
13 that those were the only books presently available
14 to distributors of the many books that have been
15 published over the years by Seahawk Press. Is that
16 accurate, to your understanding?

17 A. To my understanding. I should tell you
18 that my husband is the one who markets the books and
19 does all of that, so I have no knowledge of any of
20 that.

21 Q. To your knowledge, have any new books been
22 published by Seahawk since 1995?

23 A. I believe we did a -- I'm not sure of the
24 date -- I believe we did a mini version of my book,
25 Guide to Corals and Fishes. We also did a mangrove

1 book, but I don't know the date on that.

2 Q. The same question as to any other
3 materials. Mr. Greenberg yesterday mentioned
4 calendars, posters, and two others that I don't
5 recall as I sit here. And the question is whether
6 any of those were published anew, as opposed to
7 reprints of older materials, since 1995?

8 A. Again, I'm not sure of the date. But we
9 produced some mini cards of my work, which are new.
10 I think you would call them new. They're not --
11 slightly different format. It's the same stuff. We
12 have things in the works. Nothing produced that
13 comes to mind at this moment.

14 Q. I take it from your last answer that you
15 are today, as your husband testified he was when he
16 testified yesterday, still active in your business.

17 A. Oh, yes.

18 Q. Would you describe, as of today, what that
19 activity is.

20 A. My husband and I decide on projects to work
21 on. And I do illustrations and write, and he does
22 photography and also does some writing. I also do
23 some photography. I mean we all do a little bit of
24 everything. But generally speaking, all the
25 photographs are my husband's or my son's; all the

1 illustrations are mine, with exceptions there, also.

2 Q. Who does the writing when that is required
3 or desired?

4 A. Originally, my husband did all the writing,
5 and slowly I took over. And now I do all the
6 writing, along with my daughter, Mimi, my youngest
7 daughter, who is a very good editor and works with
8 me.

9 Q. In the period since 1995, have sales of
10 Seahawk's products, whether they be books or
11 materials, changed in any way or remained at about
12 the same levels?

13 A. I'm independent of any of the business
14 parts. I like the work that I do. I don't like the
15 work that my husband does, and thank goodness he
16 does it. Bookkeeping, that is.

17 Q. Yesterday, in his testimony, Mr. Greenberg
18 mentioned events that have an impact on sales, such
19 as hurricanes. Are there any events that have taken
20 place over the last seven or eight years, since
21 1995, which stand out in your mind as to an event
22 which actually had an effect on the sales
23 performance of Seahawk?

24 A. I really couldn't speculate on that,
25 because basically -- I mean if the economy goes

1 down, our sales go down like every other company
2 there is. But I have no knowledge of anything
3 special right now.

4 Q. Are you aware of any instance in which one
5 of the images that Mr. Greenberg took and which was
6 published in the National Geographic CD-ROM was
7 copied by somebody else?

8 A. By "copied," do you mean used without
9 permission?

10 Q. I'll take that, sure.

11 A. Are you giving me a context of years?

12 Q. Well, The Complete National Geographic was
13 published in 1997. So it would be anytime since
14 then, as to whether you're aware that anyone has
15 used one of Mr. Greenberg's images without
16 authorization.

17 A. Not that I'm aware of.

18 Q. Are you aware of any instance in which
19 someone used any image or text that was published in
20 The Complete National Geographic on CD-ROM without
21 authorization, whether it's Mr. Greenberg's, yours,
22 or anybody else's?

23 A. No, I'm not.

24 Q. Has the publication of The Complete
25 National Geographic on CD-ROM had any effect, to

1 your knowledge, on the sales of the books of
2 materials that are published by Seahawk?

3 A. Again, I'm not involved in that.

4 Q. Well, whether you're involved or not, do
5 you have any information that the publication of
6 The Complete National Geographic on CD-ROM has
7 affected the sales of the books and materials that
8 are published by Seahawk?

9 A. Neither one way or the other. I have no
10 knowledge.

11 MR. SUGARMAN: Thank you. I don't have any
12 further questions. I told you it would be
13 short.

14 MR. DAVIS: Let me ask a couple.

15 CROSS-EXAMINATION

16 BY MR. DAVIS:

17 Q. You have said that you left business and
18 sales matters to your husband with respect to
19 Seahawk Products, and you said that you did not know
20 whether anyone had used any of his images from the
21 CD-ROM product without his knowledge. You said you
22 didn't know that. If you wanted to find out, would
23 it be feasible to find out?

24 A. It would be almost impossible to find out.

25 Q. Why?

1 A. First of all, we'd have to come across
2 something somewhere. We'd have to -- there is no
3 way -- you couldn't just -- I have no idea of how
4 you could find that out, and yet I know that it must
5 be -- there must be people out there using the
6 material, copying it and using it improperly. But
7 until we actually see a product with those images on
8 it, we'll never know.

9 Q. What makes you believe there are people out
10 there, copying and using his images?

11 A. For the simple reason that most people
12 don't have access to the sorts of images that we
13 have access to. Both his work and my work are very
14 distinct and very -- what is the word -- very
15 focused on underwater subjects, marine subjects, not
16 even freshwater subjects. So that anyone who is
17 interested in that would find it very useful --
18 people like designers, art directors, decorators --
19 to use this material as source. And very often, in
20 using them as source, they actually copy it. We've
21 had this happen many times. Instead of simply using
22 it to see, well, this fish is red or this fish is
23 blue, they actually copy the fish.

24 Q. To your knowledge, over whatever span of
25 years you want to consider, have you been aware that

1 various individuals have copied, without
2 authorization, any of Mr. Greenberg's photographs or
3 any of your illustrations?

4 A. Yes. Many times.

5 Q. What do you mean by "many"?

6 A. Well, when we find something that we
7 believe to be an infringement of our work, we always
8 notify the person who is using the work and try to
9 get them to cease and desist and accept the fact
10 that they're using it improperly and must not do
11 that; and in cases where people won't cooperate with
12 us, we have filed suit against them.

13 We are very avid about protecting our
14 copyrights. They are our estate, they are what we
15 leave to our children. This is our life's work. My
16 husband and I don't do anything but what we are
17 doing. We produce books and things on underwater
18 subjects for the diving trade, the cruise trade, for
19 book stores, whoever wishes to buy our products.
20 And we have been in other businesses related to that
21 as well, including T-shirts and things like that.
22 And we wish to protect that.

23 MR. DAVIS: I have no further questions.

24 MR. SUGARMAN: Just a couple.

25

REDIRECT EXAMINATION

1
2 BY MR. SUGARMAN:

3 Q. You said that it was impossible to find out
4 whether people were using or had used images taken
5 by Mr. Greenberg which had been published in the
6 CD-ROM version without authorization. Is it equally
7 impossible to find out whether people used images
8 taken by Mr. Greenberg which were published in the
9 paper version of the magazine without authorization?

10 A. It's the same problem. Basically -- we
11 don't look for infringements, but we find them
12 everywhere. We went on a trip together to Key West
13 for three days, for rest and recreation, and we
14 found our art images on the walls of the aquarium,
15 in a guide book for the aquarium. We found our
16 images on the side of -- beautiful angelfish
17 photograph of my husband's, full-size, on the side
18 of a building. We didn't seek this out, but we
19 found these things. We found about five
20 infringements on that trip, major things.

21 Q. Could you identify from what publications
22 these five infringements had been copied.

23 A. Yes.

24 Q. Were any of them copied, to your knowledge,
25 from the CD-ROM product, the National Geographic?

1 A. This is before the CD-ROM. Right.

2 Q. Were any of them copied from the paper
3 version of the National Geographic magazine?

4 A. No.

5 Q. You said that you were certain that there
6 are people out there who are using images published
7 in the CD-ROM version of the National Geographic
8 magazine. Are you equally certain that there are
9 people out there who have used images published in
10 the paper version of the magazine over the years?

11 A. Oh, yes.

12 MR. SUGARMAN: I don't have anything
13 further.

14 MR. DAVIS: Let me follow up on that.

15 RE-CROSS-EXAMINATION

16 BY MR. DAVIS:

17 Q. Mr. Sugarman has asked you several
18 questions regarding improper use of images in the
19 CD-ROM product and what he calls the paper version
20 of the monthly magazine. Do you have any
21 distinction, in your mind, as to the ability to copy
22 from those two kinds of products?

23 A. Oh, yes.

24 Q. What distinction is that?

25 A. A great distinction. I have the product.

1 I access --

2 Q. Which product?

3 A. The 108 years. I accessed it on my
4 computer. I found that not only did I not have to
5 enter the program to get the images, but I could go
6 straight to the image file and print out any image
7 that I wanted to from that whole collection. It was
8 easy. It was four steps of selections on the
9 computer.

10 In other words, independent of the program
11 that runs it -- I don't know what you call it -- the
12 software that runs it, you can simply open a file
13 called "Images" and click on it. You then have the
14 choice of images. You can choose any image and
15 print it out.

16 Q. Given the distinction you've just made, how
17 do you regard, if you do, the potential for injury
18 to your husband's images, in terms of improper use
19 through the CD-ROM product?

20 MR. SUGARMAN: Object to the form.

21 THE WITNESS: It's so easy to access things
22 on that -- in your mind, think of 108 years of
23 National Geographic magazines in a bookcase.
24 Your chance of figuring out which issue to go
25 to, to find a specific thing, are practically

1 nil. So you get the 108 years product, which is
2 The Complete National Geographic, and you want a
3 picture of a fish. So you go to the search
4 engine that comes with it and you type in,
5 "Fish." You could do bullion searches. You
6 could do all kinds of searches to find any
7 subject, and it will narrow it down immediately.

8 Just for fun, I typed in our name. It
9 immediately gave me a listing of all of our
10 articles or Jerry's articles, and I was able to
11 choose any one of them and go to it immediately
12 and print out anything I wanted from it. And
13 there are several ways to do it.

14 MR. DAVIS: I have nothing further.

15 MR. SUGARMAN: That prompts a couple more
16 questions.

17 FURTHER REDIRECT EXAMINATION

18 BY MR. SUGARMAN:

19 Q. Have you done any comparison between the
20 quality of a copy printed out from the CD-ROM
21 version of the magazine and the quality of a copy
22 printed from the paper version?

23 A. Yes.

24 Q. What did you determine?

25 A. I bought an under-\$200 color copier,

1 because I didn't have one. I have a laser copier
2 that I use, black and white. I bought an
3 inexpensive, in any store, copier. And I printed up
4 several photographs from it, from the 108 years
5 product. And I found the quality was very much
6 dependent on the paper that you printed on, which
7 surprised me; that if you took good-quality,
8 photographic-quality paper, and put it in that \$169
9 printer, you got a really beautiful print.

10 Now, the body copy was not good, because
11 the product is made to give you high definition on
12 the images and poor definition on the text, because
13 otherwise it would be a very slow program to use.
14 It would be too much to get into. So, to speed
15 things up, they made the text secondary to the
16 pictures.

17 Everyone knows people very rarely read the
18 Geographic. They really look through the pictures.
19 The pictures were excellent. I have prints that I
20 made that show the quality that they are. I printed
21 out advertisements. I printed out articles. I
22 printed out the moving picture sequence. I got
23 excellent results.

24 Q. Have you compared those prints that you
25 made with prints that are made on a color copier

1 from the print version of the magazine?

2 A. Prints from a color copier, directly from
3 the magazine, are not as good as the prints that you
4 get from this 108 years product.

5 Q. How do you know that? Have you actually
6 compared them?

7 A. Yes. I did both.

8 Q. Have you compared the index or the search
9 engine that is included in the CD-ROM product with
10 the National Geographic index that has been
11 published in paper?

12 A. I'm aware of the index. However, the index
13 is printed once a year. And I know that we kept
14 every issue of Geographic. We have a lifetime
15 subscription to geographic. We, at one time, had
16 every issue from the time -- from 1958 on -- no,
17 1960 something on. And there was no way, with that
18 row of yellow spines, that you're going to be able
19 to pick out any of the indices. I mean it's almost
20 impossible.

21 Q. That wasn't my question. My question was
22 whether you compared the index that is included in
23 the CD-ROM product with the paper index, in terms of
24 what you could search for.

25 A. I didn't compare it, per se. But I did --

1 I have used both. I have experience with it. And
2 as far as the paper one, it's difficult to use.
3 There is no interaction. With the 108 years
4 product, there is interaction. The screen comes up
5 and prompts you what you're looking for, what is the
6 subject. It prompts you to the search. Very easy.
7 Anyone can do it. There is a thing that moves or
8 pulses, and you know that that's the window that you
9 have to answer in. It's very accessible. You can
10 type in anything and find it. And it will even tell
11 you how many things it found. If you type in a very
12 general subject, like fishes, it will say -- there
13 is like, I don't know, a couple hundred -- you have
14 to narrow it down. But it allows you to do that.
15 It leads you through it. It really is a
16 self-explanatory way of doing it, because it's
17 interactive. You don't get that on print.

18 Q. You had mentioned, in one of your answers
19 before, the ability to find images that were taken
20 by Mr. Greenberg. Is there a difference between the
21 ability to find a list of images taken by
22 Mr. Greenberg when you do it on the CD-ROM index as
23 opposed to the paper index?

24 A. I'm sorry. Could you repeat that.

25 MR. DAVIS: I didn't understand you.

1 BY MR. SUGARMAN:

2 Q. If you were looking and wanted to look for
3 the list of pictures, images that have been taken in
4 various issues of the National Geographic magazine
5 or printed in various issues of the National
6 Geographic magazine that were taken by Jerry
7 Greenberg, would there be a difference in the ease
8 of doing that?

9 A. Oh, yes.

10 Q. Between the CD-ROM index and the paper
11 index?

12 A. Oh, yes.

13 Q. Explain why that is.

14 A. Well, yes. The printed index is printed, I
15 believe, once a year. I don't know if it still is.
16 I don't follow it any more. But it was, at one
17 time, printed at the end of the year. It only deals
18 with the things that were printed then. Whereas
19 when you are using the search engine and the CD-ROM,
20 it's the entire 108 years it's searching through.

21 Q. When you say the paper index only deals
22 with things that were printed then, what do you mean
23 by that?

24 A. As I recall -- I may be wrong -- but as I
25 recall, it is an index of that year's issues.

1 Q. I see.

2 A. And is limited to that. I may be wrong.
3 They may have changed it since then. However, the
4 108 years is an index of 108 years of National
5 Geographic, by subject, by author, by title, by
6 almost any information you want. You could take
7 something as general as a country and it will give
8 you listings of things about that country. You
9 could choose to search it in almost any way you want
10 and you will get results.

11 Q. As you understand it, are there any
12 categories of information that you could get from
13 the index of the CD-ROM that you could not get from
14 the paper index?

15 A. Oh, yes. I believe so, yes.

16 Q. Can you tell me what those are.

17 A. I don't think, on the printed index -- it's
18 hard for me to remember, but I don't think on the
19 printed index you could put in, for instance, the
20 species of fish. You can do that on the search
21 engine.

22 Q. Anything else that occurs to you?

23 A. Well, things of that nature. Homing in on
24 something in a very focused way.

25 MR. SUGARMAN: I have no further questions.

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MR. DAVIS: No further questions. That's
it.

(Thereupon the taking of the deposition was
adjourned.)

EXCEPT FOR ANY CORRECTIONS MADE ON THE
ERRATA SHEET BY ME, I CERTIFY THIS IS A
TRUE AND ACCURATE TRANSCRIPT.
FURTHER DEPONENT SAYETH NOT.

IDAZ GREENBERG

Sworn to and subscribed before me this
day of 2002.

Personally known or I.D.

Notary Public in and for the
State of Florida at Large.

My commission expires:

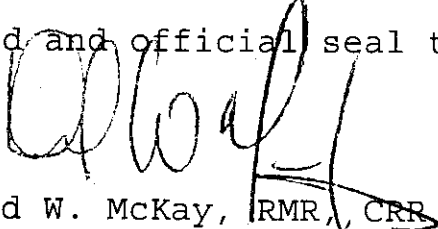
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C E R T I F I C A T E

STATE OF FLORIDA:
COUNTY OF DADE:

I, the undersigned authority, certify that IDAZ GREENBERG personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 6th day of August 2002.

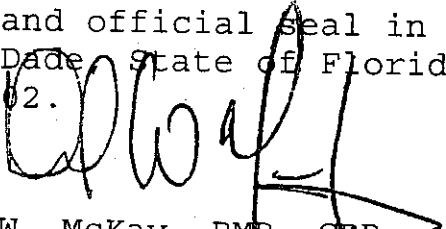

Donald W. McKay, RMR, CRR
Notary Public - State of Florida
My Commission No.: CC890407
Expires: December 19, 2003

STATE OF FLORIDA:
COUNTY OF DADE:

I, DONALD W. MCKAY, RMR, CRR, a Notary Public for the State of Florida at Large, hereby certify that I reported the deposition of IDAZ GREENBERG; and that the foregoing pages, numbered from 1 to 51, inclusive, constitute a true and correct transcription of my shorthand report of the deposition by said witness on this date.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with the action nor financially interested in the action.

WITNESS my hand and official seal in the City of Miami, County of Dade, State of Florida, this 6th day of August 2002.


Donald W. McKay, RMR, CRR
Notary Public - State of Florida
My Commission No.: CC890407
Expires: December 19, 2003

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August 7, 2002

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Miami, FL 33131

RE: Greenberg v National Geographic

DEPO OF: Idaz Greenberg

TAKEN: July 31, 2002

Number of pages: 25 pages

Available for reading until: 30 days

Dear Ms. Greenberg:

This letter is to advise you that the transcript of your deposition is available for reading and signing.

Please make an appointment to come to our office at Suite 1020, 19 West Flagler Street, Miami, Florida, to read and sign the transcript. Our office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday. In the event other arrangements are made, please send us a notarized list of any and all corrections and/or changes, noting page and line numbers, and the reason for such changes, so that we can furnish respective counsel with a copy.

If the reading and signing has not been completed prior to the above-referenced date, we shall conclude that you have waived the reading and signing of the deposition transcript.

Your prompt attention to this matter is appreciated.

Sincerely,

Donald W. McKay, RMR, CRR
cc: (Copy to all counsel)

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August 7, 2002

Robert G. Sugarman, Esq.
Weil Gotshal & Manges, LLP
767 Fifth Avenue
New York, NY 10153

RE: Greenberg v National Geographic
DEPO OF: Idaz Greenberg
TAKEN: July 31, 2002
Number of pages: 25 pages
Available for reading until: 30 days

Dear Counsel:

The original transcript of the deposition listed above is enclosed for your file. The witness did not waive reading and signing and has been sent a letter notifying them to come in to read and sign their deposition transcript.

The witness will be provided a copy of their deposition for reading in our office should they come in to review the transcript, and we will forward to you any corrections made by the witness at that time, along with an original signature page to be attached to the original transcript.

Sincerely,

Donald W. McKay, RMR, CRR

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THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 97-3924

JERRY GREENBERG, individually, and
IDAZ GREENBERG, individually,

Plaintiffs,

vs.

NATIONAL GEOGRAPHIC SOCIETY,
a District of Columbia corporation;
NATIONAL GEOGRAPHIC ENTERPRISES, INC.,
a corporation; and MINDSCAPE, INC.,
a California corporation,

Defendants.

COPY

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701 Brickell Avenue
Suite 2100
Miami, Florida
Wednesday, July 31, 2002
10:00 a.m. - 10:35 a.m.

DEPOSITION OF IDAZ GREENBERG
(Volume 2 - Pages 28 to 52)

Taken before Donald W. McKay, RMR, CRR, a
Notary Public for the State of Florida at Large,
pursuant to Notice of Taking Deposition filed in the
above-styled cause.

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PRESENT:

NORMAN DAVIS, ESQ., of the firm of
Steel Hector & Davis, LLP, on behalf
of the Plaintiffs.

ROBERT G. SUGARMAN, ESQ., of the firm of
Weil Gotshal & Manges, LLP, on behalf of
the Defendants.

ALSO PRESENT:

Jerry Greenberg

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1 Thereupon,

2 IDAZ GREENBERG

3 was called as a witness by the Defendants, and
4 having been first duly sworn, testified as follows:

5 THE WITNESS: Yes, I do.

6 DIRECT EXAMINATION

7 BY MR. SUGARMAN:

8 Q. Ms. Greenberg, as I said when we started
9 the last session, or as Naomi said, if you don't
10 understand any of the questions I'm going to ask
11 you, please tell me and I'll rephrase them. And if
12 you don't ask me, I'll assume you do understand the
13 question. Is that fair?

14 A. Yes. Thank you.

15 MR. DAVIS: May I put that same objection
16 on the record, before we start?

17 MR. SUGARMAN: Yes.

18 MR. DAVIS: I'd like to object, and have it
19 as a standing objection, to the use of any of
20 the testimony or other information for the
21 purposes of dealing with the issue of the number
22 of works that should be counted in the
23 calculation of statutory damages. We had
24 objected to that in prior filings with the
25 Court, and I want to state it briefly here at

1 the outset. Thank you.

2 BY MR. SUGARMAN:

3 Q. Did you create any of the images or the
4 text which were published in the National Geographic
5 magazine and which are the subject of this lawsuit?

6 A. Yes.

7 Q. Which of the images, if you can remember
8 them, did you create?

9 A. In the sense of creating -- if you mean
10 taking the photographs, no. I did appear in the
11 article, the Buck Island article. This is a family
12 story.

13 Q. Did you write any of the text of any of the
14 articles?

15 A. I am credited as being the writer on the
16 Buck Island story, because I took notes while we
17 were shooting it. And they sent a writer from
18 National Geographic who stayed at our home with us
19 for three days or four days, and I told him about
20 the trip and he then wrote it in Geographic-ese.

21 Q. Did you personally suffer any damages as a
22 result of the publication of The Complete National
23 Geographic on CD-ROM? When I say "personally," I'm
24 distinguishing you, Idaz Greenberg, from Jerry
25 Greenberg and from Seahawk.

1 A. Well, first of all, I would have to object
2 to that distinction, because my husband and I work
3 together. We have been married for 47 years. We
4 have been in business together the entire time. So
5 it's hard to make a distinction.

6 Q. What I'm trying to get at is whether you as
7 a person, as opposed to you as part of Seahawk
8 Productions, which is the proprietorship, suffered
9 any personal damages as a result of the publication
10 of The Complete National Geographic on CD-ROM?

11 A. I'm not a proprietor of Seahawk Products.
12 It's a sole proprietorship. It's my husband's. I
13 consider it damage, the fact that work that was
14 created by us was not paid for and used in that
15 product.

16 Q. Have you made any attempt to calculate the
17 amount of those damages?

18 A. No.

19 Q. Do you as a plaintiff in this lawsuit
20 intend, at the damage trial, to attempt to quantify
21 the amount of those damages?

22 A. I don't understand what you --

23 Q. Yesterday, at Mr. Greenberg's deposition,
24 he said that he was seeking statutory damages.

25 A. Yes. We are.

1 Q. Is that your understanding of what the
2 plaintiffs in this lawsuit are going to seek at the
3 trial, statutory damages?

4 A. Yes. As of now.

5 Q. Has there been any discussion of changing
6 that? Just answer yes or no.

7 A. No.

8 Q. Have you or, to your knowledge, has anyone
9 else consulted with any experts to attempt to
10 determine an amount of money that the Geographic
11 would have paid had they negotiated with you and/or
12 Mr. Greenberg prior to publication of The Complete
13 National Geographic?

14 A. No.

15 Q. Have you made any calculation of the amount
16 that the National Geographic would have paid if
17 negotiations had taken place with you and/or your
18 husband before the publication of The Complete
19 National Geographic?

20 A. No.

21 Q. As of today, do you intend, at the damage
22 trial, to offer evidence of the amount of money that
23 National Geographic would have paid had there been a
24 negotiation between the Geographic and you and/or
25 your husband before publication?

1 MR. DAVIS: I'll object to the extent that
2 it calls for a legal conclusion.

3 THE WITNESS: I was going to say the same
4 thing. Basically, I don't do that, because it's
5 not my milieu.

6 BY MR. SUGARMAN:

7 Q. I understand that. But I'm asking you
8 whether it's your -- let me phrase it differently.

9 Is it your understanding, as we sit here
10 today, that the plaintiffs will offer any testimony
11 or evidence at the trial concerning the amount of
12 money that the Geographic would have paid had there
13 been a negotiation between you and/or your husband
14 and the Geographic prior to the publication of the
15 CD-ROM?

16 MR. DAVIS: Same objection.

17 THE WITNESS: It's so speculative, I
18 couldn't even guess at anything like that.

19 BY MR. SUGARMAN:

20 Q. What is speculative?

21 A. Your whole -- first of all, how could we
22 have evaluated anything before the product was out,
23 when we found out about it when the barn door was
24 open? No way to go back in history.

25 Q. My question isn't how you would do it. My

1 question is whether you intend to attempt to
2 quantify that amount or to estimate that amount at
3 the trial.

4 MR. DAVIS: Same objection.

5 THE WITNESS: That wouldn't be what I would
6 do.

7 BY MR. SUGARMAN:

8 Q. Let me show you three books that were
9 marked at yesterday's deposition. They are Jerry
10 Greenberg Exhibits 21, 22, and 23.

11 A. Thank you.

12 Q. In his testimony, Mr. Greenberg testified
13 that those were the only books presently available
14 to distributors of the many books that have been
15 published over the years by Seahawk Press. Is that
16 accurate, to your understanding?

17 A. To my understanding. I should tell you
18 that my husband is the one who markets the books and
19 does all of that, so I have no knowledge of any of
20 that.

21 Q. To your knowledge, have any new books been
22 published by Seahawk since 1995?

23 A. I believe we did a -- I'm not sure of the
24 date -- I believe we did a mini version of my book,
25 Guide to Corals and Fishes. We also did a mangrove

1 book, but I don't know the date on that.

2 Q. The same question as to any other
3 materials. Mr. Greenberg yesterday mentioned
4 calendars, posters, and two others that I don't
5 recall as I sit here. And the question is whether
6 any of those were published anew, as opposed to
7 reprints of older materials, since 1995?

8 A. Again, I'm not sure of the date. But we
9 produced some mini cards of my work, which are new.
10 I think you would call them new. They're not --
11 slightly different format. It's the same stuff. We
12 have things in the works. Nothing produced that
13 comes to mind at this moment.

14 Q. I take it from your last answer that you
15 are today, as your husband testified he was when he
16 testified yesterday, still active in your business.

17 A. Oh, yes.

18 Q. Would you describe, as of today, what that
19 activity is.

20 A. My husband and I decide on projects to work
21 on. And I do illustrations and write, and he does
22 photography and also does some writing. I also do
23 some photography. I mean we all do a little bit of
24 everything. But generally speaking, all the
25 photographs are my husband's or my son's; all the

1 illustrations are mine, with exceptions there, also.

2 Q. Who does the writing when that is required
3 or desired?

4 A. Originally, my husband did all the writing,
5 and slowly I took over. And now I do all the
6 writing, along with my daughter, Mimi, my youngest
7 daughter, who is a very good editor and works with
8 me.

9 Q. In the period since 1995, have sales of
10 Seahawk's products, whether they be books or
11 materials, changed in any way or remained at about
12 the same levels?

13 A. I'm independent of any of the business
14 parts. I like the work that I do. I don't like the
15 work that my husband does, and thank goodness he
16 does it. Bookkeeping, that is.

17 Q. Yesterday, in his testimony, Mr. Greenberg
18 mentioned events that have an impact on sales, such
19 as hurricanes. Are there any events that have taken
20 place over the last seven or eight years, since
21 1995, which stand out in your mind as to an event
22 which actually had an effect on the sales
23 performance of Seahawk?

24 A. I really couldn't speculate on that,
25 because basically -- I mean if the economy goes

1 down, our sales go down like every other company
2 there is. But I have no knowledge of anything
3 special right now.

4 Q. Are you aware of any instance in which one
5 of the images that Mr. Greenberg took and which was
6 published in the National Geographic CD-ROM was
7 copied by somebody else?

8 A. By "copied," do you mean used without
9 permission?

10 Q. I'll take that, sure.

11 A. Are you giving me a context of years?

12 Q. Well, The Complete National Geographic was
13 published in 1997. So it would be anytime since
14 then, as to whether you're aware that anyone has
15 used one of Mr. Greenberg's images without
16 authorization.

17 A. Not that I'm aware of.

18 Q. Are you aware of any instance in which
19 someone used any image or text that was published in
20 The Complete National Geographic on CD-ROM without
21 authorization, whether it's Mr. Greenberg's, yours,
22 or anybody else's?

23 A. No, I'm not.

24 Q. Has the publication of The Complete
25 National Geographic on CD-ROM had any effect, to

1 your knowledge, on the sales of the books of
2 materials that are published by Seahawk?

3 A. Again, I'm not involved in that.

4 Q. Well, whether you're involved or not, do
5 you have any information that the publication of
6 The Complete National Geographic on CD-ROM has
7 affected the sales of the books and materials that
8 are published by Seahawk?

9 A. Neither one way or the other. I have no
10 knowledge.

11 MR. SUGARMAN: Thank you. I don't have any
12 further questions. I told you it would be
13 short.

14 MR. DAVIS: Let me ask a couple.

15 CROSS-EXAMINATION

16 BY MR. DAVIS:

17 Q. You have said that you left business and
18 sales matters to your husband with respect to
19 Seahawk Products, and you said that you did not know
20 whether anyone had used any of his images from the
21 CD-ROM product without his knowledge. You said you
22 didn't know that. If you wanted to find out, would
23 it be feasible to find out?

24 A. It would be almost impossible to find out.

25 Q. Why?

1 A. First of all, we'd have to come across
2 something somewhere. We'd have to -- there is no
3 way -- you couldn't just -- I have no idea of how
4 you could find that out, and yet I know that it must
5 be -- there must be people out there using the
6 material, copying it and using it improperly. But
7 until we actually see a product with those images on
8 it, we'll never know.

9 Q. What makes you believe there are people out
10 there, copying and using his images?

11 A. For the simple reason that most people
12 don't have access to the sorts of images that we
13 have access to. Both his work and my work are very
14 distinct and very -- what is the word -- very
15 focused on underwater subjects, marine subjects, not
16 even freshwater subjects. So that anyone who is
17 interested in that would find it very useful --
18 people like designers, art directors, decorators --
19 to use this material as source. And very often, in
20 using them as source, they actually copy it. We've
21 had this happen many times. Instead of simply using
22 it to see, well, this fish is red or this fish is
23 blue, they actually copy the fish.

24 Q. To your knowledge, over whatever span of
25 years you want to consider, have you been aware that

1 various individuals have copied, without
2 authorization, any of Mr. Greenberg's photographs or
3 any of your illustrations?

4 A. Yes. Many times.

5 Q. What do you mean by "many"?

6 A. Well, when we find something that we
7 believe to be an infringement of our work, we always
8 notify the person who is using the work and try to
9 get them to cease and desist and accept the fact
10 that they're using it improperly and must not do
11 that; and in cases where people won't cooperate with
12 us, we have filed suit against them.

13 We are very avid about protecting our
14 copyrights. They are our estate, they are what we
15 leave to our children. This is our life's work. My
16 husband and I don't do anything but what we are
17 doing. We produce books and things on underwater
18 subjects for the diving trade, the cruise trade, for
19 book stores, whoever wishes to buy our products.
20 And we have been in other businesses related to that
21 as well, including T-shirts and things like that.
22 And we wish to protect that.

23 MR. DAVIS: I have no further questions.

24 MR. SUGARMAN: Just a couple.

25

REDIRECT EXAMINATION

1
2 BY MR. SUGARMAN:

3 Q. You said that it was impossible to find out
4 whether people were using or had used images taken
5 by Mr. Greenberg which had been published in the
6 CD-ROM version without authorization. Is it equally
7 impossible to find out whether people used images
8 taken by Mr. Greenberg which were published in the
9 paper version of the magazine without authorization?

10 A. It's the same problem. Basically -- we
11 don't look for infringements, but we find them
12 everywhere. We went on a trip together to Key West
13 for three days, for rest and recreation, and we
14 found our art images on the walls of the aquarium,
15 in a guide book for the aquarium. We found our
16 images on the side of -- beautiful angelfish
17 photograph of my husband's, full-size, on the side
18 of a building. We didn't seek this out, but we
19 found these things. We found about five
20 infringements on that trip, major things.

21 Q. Could you identify from what publications
22 these five infringements had been copied.

23 A. Yes.

24 Q. Were any of them copied, to your knowledge,
25 from the CD-ROM product, the National Geographic?

1 A. This is before the CD-ROM. Right.

2 Q. Were any of them copied from the paper
3 version of the National Geographic magazine?

4 A. No.

5 Q. You said that you were certain that there
6 are people out there who are using images published
7 in the CD-ROM version of the National Geographic
8 magazine. Are you equally certain that there are
9 people out there who have used images published in
10 the paper version of the magazine over the years?

11 A. Oh, yes.

12 MR. SUGARMAN: I don't have anything
13 further.

14 MR. DAVIS: Let me follow up on that.

15 RECROSS-EXAMINATION

16 BY MR. DAVIS:

17 Q. Mr. Sugarman has asked you several
18 questions regarding improper use of images in the
19 CD-ROM product and what he calls the paper version
20 of the monthly magazine. Do you have any
21 distinction, in your mind, as to the ability to copy
22 from those two kinds of products?

23 A. Oh, yes.

24 Q. What distinction is that?

25 A. A great distinction. I have the product.

1 I access --

2 Q. Which product?

3 A. The 108 years. I accessed it on my
4 computer. I found that not only did I not have to
5 enter the program to get the images, but I could go
6 straight to the image file and print out any image
7 that I wanted to from that whole collection. It was
8 easy. It was four steps of selections on the
9 computer.

10 In other words, independent of the program
11 that runs it -- I don't know what you call it -- the
12 software that runs it, you can simply open a file
13 called "Images" and click on it. You then have the
14 choice of images. You can choose any image and
15 print it out.

16 Q. Given the distinction you've just made, how
17 do you regard, if you do, the potential for injury
18 to your husband's images, in terms of improper use
19 through the CD-ROM product?

20 MR. SUGARMAN: Object to the form.

21 THE WITNESS: It's so easy to access things
22 on that -- in your mind, think of 108 years of
23 National Geographic magazines in a bookcase.
24 Your chance of figuring out which issue to go
25 to, to find a specific thing, are practically

1 nil. So you get the 108 years product, which is
2 The Complete National Geographic, and you want a
3 picture of a fish. So you go to the search
4 engine that comes with it and you type in,
5 "Fish." You could do bullion searches. You
6 could do all kinds of searches to find any
7 subject, and it will narrow it down immediately.

8 Just for fun, I typed in our name. It
9 immediately gave me a listing of all of our
10 articles or Jerry's articles, and I was able to
11 choose any one of them and go to it immediately
12 and print out anything I wanted from it. And
13 there are several ways to do it.

14 MR. DAVIS: I have nothing further.

15 MR. SUGARMAN: That prompts a couple more
16 questions.

17 FURTHER REDIRECT EXAMINATION

18 BY MR. SUGARMAN:

19 Q. Have you done any comparison between the
20 quality of a copy printed out from the CD-ROM
21 version of the magazine and the quality of a copy
22 printed from the paper version?

23 A. Yes.

24 Q. What did you determine?

25 A. I bought an under-\$200 color copier,

1 because I didn't have one. I have a laser copier
2 that I use, black and white. I bought an
3 inexpensive, in any store, copier. And I printed up
4 several photographs from it, from the 108 years
5 product. And I found the quality was very much
6 dependent on the paper that you printed on, which
7 surprised me; that if you took good-quality,
8 photographic-quality paper, and put it in that \$169
9 printer, you got a really beautiful print.

10 Now, the body copy was not good, because
11 the product is made to give you high definition on
12 the images and poor definition on the text, because
13 otherwise it would be a very slow program to use.
14 It would be too much to get into. So, to speed
15 things up, they made the text secondary to the
16 pictures.

17 Everyone knows people very rarely read the
18 Geographic. They really look through the pictures.
19 The pictures were excellent. I have prints that I
20 made that show the quality that they are. I printed
21 out advertisements. I printed out articles. I
22 printed out the moving picture sequence. I got
23 excellent results.

24 Q. Have you compared those prints that you
25 made with prints that are made on a color copier

1 from the print version of the magazine?

2 A. Prints from a color copier, directly from
3 the magazine, are not as good as the prints that you
4 get from this 108 years product.

5 Q. How do you know that? Have you actually
6 compared them?

7 A. Yes. I did both.

8 Q. Have you compared the index or the search
9 engine that is included in the CD-ROM product with
10 the National Geographic index that has been
11 published in paper?

12 A. I'm aware of the index. However, the index
13 is printed once a year. And I know that we kept
14 every issue of Geographic. We have a lifetime
15 subscription to geographic. We, at one time, had
16 every issue from the time -- from 1958 on -- no,
17 1960 something on. And there was no way, with that
18 row of yellow spines, that you're going to be able
19 to pick out any of the indices. I mean it's almost
20 impossible.

21 Q. That wasn't my question. My question was
22 whether you compared the index that is included in
23 the CD-ROM product with the paper index, in terms of
24 what you could search for.

25 A. I didn't compare it, per se. But I did --

1 I have used both. I have experience with it. And
2 as far as the paper one, it's difficult to use.
3 There is no interaction. With the 108 years
4 product, there is interaction. The screen comes up
5 and prompts you what you're looking for, what is the
6 subject. It prompts you to the search. Very easy.
7 Anyone can do it. There is a thing that moves or
8 pulses, and you know that that's the window that you
9 have to answer in. It's very accessible. You can
10 type in anything and find it. And it will even tell
11 you how many things it found. If you type in a very
12 general subject, like fishes, it will say -- there
13 is like, I don't know, a couple hundred -- you have
14 to narrow it down. But it allows you to do that.
15 It leads you through it. It really is a
16 self-explanatory way of doing it, because it's
17 interactive. You don't get that on print.

18 Q. You had mentioned, in one of your answers
19 before, the ability to find images that were taken
20 by Mr. Greenberg. Is there a difference between the
21 ability to find a list of images taken by
22 Mr. Greenberg when you do it on the CD-ROM index as
23 opposed to the paper index?

24 A. I'm sorry. Could you repeat that.

25 MR. DAVIS: I didn't understand you.

1 BY MR. SUGARMAN:

2 Q. If you were looking and wanted to look for
3 the list of pictures, images that have been taken in
4 various issues of the National Geographic magazine
5 or printed in various issues of the National
6 Geographic magazine that were taken by Jerry
7 Greenberg, would there be a difference in the ease
8 of doing that?

9 A. Oh, yes.

10 Q. Between the CD-ROM index and the paper
11 index?

12 A. Oh, yes.

13 Q. Explain why that is.

14 A. Well, yes. The printed index is printed, I
15 believe, once a year. I don't know if it still is.
16 I don't follow it any more. But it was, at one
17 time, printed at the end of the year. It only deals
18 with the things that were printed then. Whereas
19 when you are using the search engine and the CD-ROM,
20 it's the entire 108 years it's searching through.

21 Q. When you say the paper index only deals
22 with things that were printed then, what do you mean
23 by that?

24 A. As I recall -- I may be wrong -- but as I
25 recall, it is an index of that year's issues.

1 Q. I see.

2 A. And is limited to that. I may be wrong.
3 They may have changed it since then. However, the
4 108 years is an index of 108 years of National
5 Geographic, by subject, by author, by title, by
6 almost any information you want. You could take
7 something as general as a country and it will give
8 you listings of things about that country. You
9 could choose to search it in almost any way you want
10 and you will get results.

11 Q. As you understand it, are there any
12 categories of information that you could get from
13 the index of the CD-ROM that you could not get from
14 the paper index?

15 A. Oh, yes. I believe so, yes.

16 Q. Can you tell me what those are.

17 A. I don't think, on the printed index -- it's
18 hard for me to remember, but I don't think on the
19 printed index you could put in, for instance, the
20 species of fish. You can do that on the search
21 engine.

22 Q. Anything else that occurs to you?

23 A. Well, things of that nature. Homing in on
24 something in a very focused way.

25 MR. SUGARMAN: I have no further questions.

1 MR. DAVIS: No further questions. That's
2 it.

3 (Thereupon the taking of the deposition was
4 adjourned.)

5 EXCEPT FOR ANY CORRECTIONS MADE ON THE
6 ERRATA SHEET BY ME, I CERTIFY THIS IS A
7 TRUE AND ACCURATE TRANSCRIPT.
8 FURTHER DEPONENT SAYETH NOT.

9

10

11

IDAZ GREENBERG

12

Sworn to and subscribed before me this

13

day of 2002.

14

Personally known or I.D.

15

16

17

Notary Public in and for the
State of Florida at Large.

18

My commission expires:

19

20

21

22

23

24

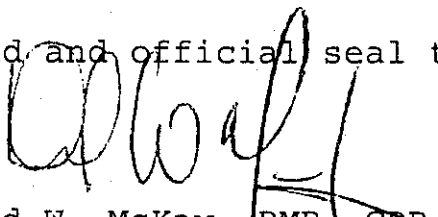
25

C E R T I F I C A T E

STATE OF FLORIDA:
 COUNTY OF DADE:

I, the undersigned authority, certify that IDAZ GREENBERG personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 6th day of August 2002.

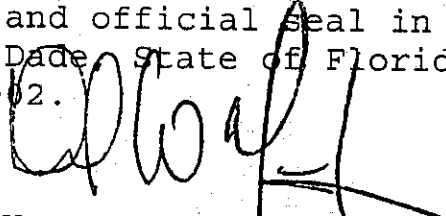

 Donald W. McKay, RMR, CRR
 Notary Public - State of Florida
 My Commission No.: CC890407
 Expires: December 19, 2003

STATE OF FLORIDA:
 COUNTY OF DADE:

I, DONALD W. MCKAY, RMR, CRR, a Notary Public for the State of Florida at Large, hereby certify that I reported the deposition of IDAZ GREENBERG; and that the foregoing pages, numbered from 1 to 51, inclusive, constitute a true and correct transcription of my shorthand report of the deposition by said witness on this date.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with the action nor financially interested in the action.

WITNESS my hand and official seal in the City of Miami, County of Dade, State of Florida, this 6th day of August 2002.


 Donald W. McKay, RMR, CRR
 Notary Public - State of Florida
 My Commission No.: CC890407
 Expires: December 19, 2003

VERITEXT FLORIDA, LLC
BENOWITZ - BERMAN - COOK - IVY - MATZ TRAKTMAN
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August 7, 2002

Idaz Greenberg
c/o Norman Davis, Esq.
Steel Hector & Davis, LLP
200 South Biscayne Blvd., Ste. 4000
Miami, FL 33131

RE: Greenberg v National Geographic

DEPO OF: Idaz Greenberg

TAKEN: July 31, 2002

Number of pages: 25 pages

Available for reading until: 30 days

Dear Ms. Greenberg:

This letter is to advise you that the transcript of your deposition is available for reading and signing.

Please make an appointment to come to our office at Suite 1020, 19 West Flagler Street, Miami, Florida, to read and sign the transcript. Our office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday. In the event other arrangements are made, please send us a notarized list of any and all corrections and/or changes, noting page and line numbers, and the reason for such changes, so that we can furnish respective counsel with a copy.

If the reading and signing has not been completed prior to the above-referenced date, we shall conclude that you have waived the reading and signing of the deposition transcript.

Your prompt attention to this matter is appreciated.

Sincerely,

Donald W. McKay, RMR, CRR
cc: (Copy to all counsel)

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August 7, 2002

Robert G. Sugarman, Esq.
Weil Gotshal & Manges, LLP
767 Fifth Avenue
New York, NY 10153

RE: Greenberg v National Geographic
DEPO OF: Idaz Greenberg
TAKEN: July 31, 2002
Number of pages: 25 pages
Available for reading until: 30 days

Dear Counsel:

The original transcript of the deposition listed above is enclosed for your file. The witness did not waive reading and signing and has been sent a letter notifying them to come in to read and sign their deposition transcript.

The witness will be provided a copy of their deposition for reading in our office should they come in to review the transcript, and we will forward to you any corrections made by the witness at that time, along with an original signature page to be attached to the original transcript.

Sincerely,

Donald W. McKay, RMR, CRR

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