

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JERRY GREENBERG, individually,
and IDAZ GREENBERG, individually,

Plaintiffs,

CASE NO. 97-3924
CIV-LENARD
Magistrate Judge Turnoff

v.

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

Defendants.

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' REQUEST FOR
PRODUCTION OF
DOCUMENTS TO DEFENDANT
NATIONAL GEOGRAPHIC
SOCIETY**

Pursuant to Fed. R. Civ. P. 34, the defendant National Geographic Society (the "Society"), by its attorneys Weil, Gotshal & Manges LLP, hereby responds and objects to the Plaintiffs' Request for Production of Documents to Defendant National Geographic Society (the "Request") as follows:

All responses contained herein are subject to the objections noted below. Additionally, objections (including but not limited to objections as to admissibility, relevance, confidentiality, hearsay, and materiality) which, if sustained at trial, would require the exclusion of any response contained herein or any document referred to herein, are reserved. Additionally, these responses are given without prejudice to the defendants' right to produce, at a later date, subsequently discovered information responsive to the Request.

Lyle Rosbotham
 National Geographic Society
 1145 17th Street, N.W.
 Washington, D.C. 20036

Employee
 202
 857 7764

Art Director
 in book division

Beth Molloy
 49 B Reeder Road
 New Hope, PA 18938

Independent Contractor
 Art Director

INTERROGATORY NO. 2:

Identify the individual(s) with the most knowledge of the Society's library, archives, collections, or other storage systems for photographs and other graphic works.

RESPONSE TO INTERROGATORY NO. 2:

Maura Mulvihill
 Assistant Vice President, Image Collection
 National Geographic Society
 1145 17th Street, N.W.
 Washington, D.C. 20036

INTERROGATORY NO. 3:

With reference to the allegations in Count I of the Amended Complaint, identify the individual(s) with the most knowledge of the relationship between the Society and Educational Insights that is addressed in that count, and for each individual listed state the nature of the knowledge possessed.

RESPONSE TO INTERROGATORY NO. 3:

William Gray
 Vice President
 Book Division
 National Geographic Society
 1145 17th Street, N.W.
 Washington, D.C. 20036

Primary contact with Educational Insight
 with respect to terms of agreement;
 general editorial oversight

Barbara Brownell
National Geographic Society
1145 17th Street, N.W.
Washington, D.C. 20036

Project director

INTERROGATORY NO. 4:

Identify any photography or artwork of Jerry Greenberg or Idaz Greenberg that was provided to, or was available to, the persons who prepared the product addressed in Count I of the Amended Complaint, from sources including but not limited to books, magazine, film transparencies, archival printouts, digitally stored materials, and any other printed matter.

RESPONSE TO INTERROGATORY NO. 4:

The Society objects to this interrogatory on the grounds that it is vague and ambiguous. The Society further objects to this interrogatory to the extent that it requests the identification of materials that were "available to the persons who prepared the product addressed in Count I of the Amended Complaint" on the ground that it has no knowledge of all such materials. Without waiving, and subject to, this objection and its General Objections, the Society responds as follows:

The artist possessed his own copy of *The Living Reef*, by Jerry Greenberg, at the time he worked on the Educational Insights product addressed in Count I of the Amended Complaint.

INTERROGATORY NO. 5:

Identify any and all documents or articles bearing copyright notice by Jerry Greenberg, Idaz Greenberg and/or Michael Greenberg that were in the possession or control of the Society during the times relevant to Count I of the Amended Complaint.

RESPONSE TO INTERROGATORY NO. 5:

The Society objects to this request on the grounds that it is vague and ambiguous and on the further grounds that it is not relevant to the issues in this action and is

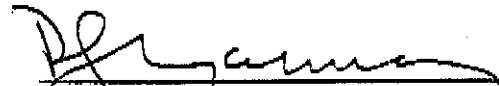
not reasonably calculated to lead to the discovery of admissible evidence. The Society also objects to this request to the extent that it requests materials bearing copyright notice by Michael Greenberg on the grounds that it is not relevant to the issues in this action and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving, and subject to, these objections and its General Objections, the Society responds as follows:

Jerry Greenberg, *Beneath the Tropic Seas: the Fishes* (1986)

Jerry Greenberg, *The Living Reef* (1972)

Idaz Greenberg, *Sharks and Other Dangerous Sea Creatures* (1981)

Dated: New York, New York
May 4, 1998



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