UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JERRY GREENBERG, individually,
and IDAZ GREENBERG, individually,

Plaintiffs,

CASE NO. 97-3924
CIV-LENARD

v.

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

Defendants.

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DECLARATION OF LYLE ROSBOTHAM

Lyle Rosbotham affirms as follows, under penalty of perjury:

1. I am a Senior Art Director in the Book Division of the National Geographic Society (the "Society"). I am responsible for supervising and directing the creation of artwork used by the Society in a variety of its publications and products. I make this declaration based upon personal knowledge.

2. In 1995, the Society and Educational Insights, Inc. produced a children's educational game referred to as the "3D GeoPack" (hereinafter the "GeoPack"). The GeoPack was designed to teach children about various aspects of undersea life, and includes depictions and descriptions of many different types of sea flora and fauna.

3. In order accurately to depict the marine life in the GeoPack, the Society hired Warren Cutler ("Cutler"), an experienced illustrator, to prepare artwork portraying various sea plants and creatures. Accuracy was essential in order for the GeoPack to fulfill its educational mission -- to teach children about undersea life. Thus, Cutler was expected to paint the images of the fish as accurately as possible. Accordingly, Cutler painted pictures of several fish and other aspects of undersea life which were creatively depicted on multiple layers of transparencies to create the GeoPack's three-dimensional effect.

4. I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 14, 1998

Lyle Rosbotham