UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division

CASE NO. 97-3924-CIV-SIMONTON

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.
_____/

NOTICE OF FILING DEPOSITION DESIGNATIONS

Plaintiffs, JERRY GREENBERG and IDAZ GREENBERG, hereby give notice that they designate the following portions of depositions for possible use at trial:

A. Deposition of Robert Sugarman in *Ward v. NGS, Inc., et al.*

Page: Line - Page: Line

7:11 - 13:2
132:17 - 136:6
136:10
137:3 - 142:10
143:11 - 145:4
145:19 - 147:14
155:12 - 158:23
159:10 - 159:19
168:4 - 169:6
175:8 - 177:21

B. Deposition of Reg Murphy in *Ward v. NGS, Inc. et al.*

Page: Line - Page: Line

56:20 - 56:23
57:7 - 59:4
59:9 - 60:25
61:19 - 62:6
63:23 - 64:9
75:13 - 76:23

C. Deposition of Suzanne Dupre in *Ward v. NGS, Inc. et al.*

Page: Line - Page: Line

4:2 - 4:6
5:18 - 6:8
7:9 - 7:24
12:13 - 12:18
67:2 - 69:4
80:10 - 80:17
84:20 - 84:22
85:17 - 91:18
94:7 - 106:11
111:7
168:4 - 168:13
171:10 - 172:15
206:2 - 207:15

Dated: December 11, 2002

Respectfully Submitted,

STEEL HECTOR & DAVIS LLP
Counsel for Plaintiffs
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By: _____
Norman Davis FBN 475335
Edwin G. Torres FBN 911569

Certificate of Service

I hereby certify that a copy of the foregoing was served by mail on Edward Soto, Esq., Weil, Gotshal & Manges LLP, 701 Brickell Avenue, Suite 2100, Miami, FL 33131; and by federal express on Robert G. Sugarman, Esq., Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York NY 10153 this 11th day of December, 2002.

_____
Norman Davis

UNITED STATES DISTRICT COURT
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corporation, NATIONAL GEOGRAPHIC
ENTERPRISES, INC., a corporation,
and MINDSCAPE, INC., a
California corporation,

Defendants.
_____/

PLAINTIFFS' EXHIBIT LIST

Exhibit	Description	Objection(s)
1	Composite: Greenberg Invoices for the year 1963.	
2	Composite: Greenberg Invoices for the year 1964.	
3	Composite: Greenberg Invoices for the year 1965.	
4	Composite: Greenberg Invoices for the year 1966.	
5	Composite: Greenberg Invoices for the year 1967.	
6	Composite: Greenberg Invoices for the year 1968.	
7	Composite: Greenberg Invoices for the year 1970.	
8	Composite: Greenberg Invoices for the year 1971.	
9	Composite: Greenberg Invoices for the year 1972.	
10	Composite: Greenberg Invoices for the year 1973.	

Exhibit	Description	Objection(s)
11	Composite: Greenberg Invoices for the year 1974.	
12	Composite: Greenberg Invoices for the year 1975.	
13	Composite: Greenberg Invoices for the year 1976.	
14	Composite: Greenberg Invoices for the year 1977.	
15	Composite: Greenberg Invoices for the year 1978.	
16	Composite: Greenberg Invoices for the year 1979.	
17	Composite: Greenberg Invoices for the year 1980.	
18	Composite: Greenberg Invoices for the year 1981.	
19	Composite: Greenberg Invoices for the year 1982.	
20	Composite: Greenberg Invoices for the year 1983.	
21	Composite: Greenberg Invoices for the year 1984.	
22	Composite: Greenberg Invoices for the year 1985.	
23	Composite: Greenberg Invoices for the year 1986.	
24	Composite: Greenberg Invoices for the year 1987.	
25	Composite: Greenberg Invoices for the year 1988.	
26	Composite: Greenberg Invoices for the year 1989.	
27	Composite: Greenberg Invoices for the year 1990.	
28	Composite: Greenberg Invoices for the year 1991.	
29	Composite: Greenberg Invoices for the year 1992.	
30	Composite: Greenberg Invoices for the year 1993.	
31	Composite: Greenberg Invoices for the year 1994.	
32	Composite: Greenberg Invoices for the year 1995.	
33	Composite: Greenberg Invoices for the year 1996.	
34	Composite: Greenberg Invoices for the year 1997.	
35	Composite: Greenberg Invoices for the year 1998.	
36	Composite: Greenberg Invoices for the year 1999.	
37	Composite: Greenberg Invoices for the year 2000.	

Exhibit	Description	Objection(s)
38	Composite: Greenberg Invoices for the year 2001.	
39	Composite: Greenberg Invoices for the year 2002.	
40	Composite: Greenberg Journal Entries for 1995.	
41	Composite: Greenberg Journal Entries for 1996.	
42	Composite: Greenberg Journal Entries for 1997.	
43	Composite: Greenberg ournal Entries for 1998.	
44	Composite: Greenberg Journal Entries for 1999.	
45	Composite: Greenberg Journal Entries for 2000.	
46	Composite: Greenberg Journal Entries for 2001.	
47	Composite: Greenberg Journal Entries for 2002.	
48	108 years of the Complete National Geographic on CD-ROM.	
49	Composite: Prints made from CD-ROM.	
50	NGS Tax Return for the year 2000	
51	NGS Tax Return for the year 2001	
52		
53	Composite: video of Greenberg photographs and NGS articles.	
54		
55		
56	Composite: Copies made from Moving Cover Sequence.	
57	Composite: copies and mutations from CD-ROM images.	
58	07/25/90 Certificate of Copyright Registration for photographs appearing in National Geographic entitled Florida's Coral Reefs are Imperiled.	
59	01/10/95 Certificate of Copyright Registration for photographs appearing in National Geographic entitled Sharks: Wolves of the Sea.	
60	01/16/99 Certificate of Copyright Registration for photographs appearing in National Geographic entitled Buck Island - Underwater Jewel.	
61	01/16/90 Certificate of Renewal Registration for photographs appearing in National Geographic entitled Key Largo Reef: America's First Undersea Park.	

Exhibit	Description	Objection(s)
62	09/16/88 Certificate of Recordation including letter from National Geographic Society assigning all rights, title and interest to Greenberg with relation to photographs of Pennekamp Park, Sharks and Buck Island.	
63	Spiral packet of black and white Greenberg drawings for the Buck Island article.	
64	Spiral packet of colored Greenberg drawings relating to the coral reef article.	
65	04/18/94 Letter to Jerry Greenberg from the National Geographic Magazine.	
66	01/30/98 Declaration of Thomas Stanton.	
67	02/23/98 Reply Declaration of Thomas Stanton.	
68	05/21/97 Letter to Magazine Contributors from National Geographic Interactive.	
69	01/10/73 Letter to Jerry Greenberg from the National Geographic Society.	
70	01/08/73 Letter to Jerry Greenberg from the National Geographic Society.	
71	12/15/72 Letter to Mr. & Mrs. Jerry Greenberg from the National Geographic Society.	
72	01/10/73 Letter to Jerry Greenberg from the National Geographic Society.	
73	Composite: Printed pages from ngsimages.com	
74	Time Warner Royalty Report for Quarter Ended 12/31/94.	
75	Time Warner Royalty Report for Quarter Ended 03/31/95.	
76	Time Warner Royalty Report for Quarter Ended 06/30/95.	
77	Time Warner Royalty Report for Quarter Ended 09/95.	
78	Time Warner Royalty Statement for Quarter Ended 12/31/95.	
79	Composite Exhibit relating to the Boy's Life transaction.	

Exhibit	Description	Objection(s)
80	Composite: Photographs - elements of moving cover sequence.	
81	End-User License Agreement between Encore Software, Inc. and its Licensors and Consumer.	
82	08/18/61 Letter to Jerry Greenberg from the National Geographic Society.	
83	03/18/77 Letter to Jerry Greenberg from the National Geographic Society.	
84	03/03/65 Letter to Jerry Greenberg from the National Geographic Society.	
85	Publication by Seahawk Press entitled Living Corals of the Tropical Atlantic.	
86	10/26/95 Letter to Jerry Greenberg from the National Geographic Society.	
87	06/14/89 Letter constituting Greenberg's agreement as a freelance photographer with the National Geographic Society to photograph Pennekamp Reef Park for the National Geographic Magazine.	
88	12/18/85 Letter to Jerry Greenberg from the National Geographic Society.	
89	Composite: Documents regarding the Time Warner Transaction.	
90	09/19/61 Letter to Jerry Greenberg from the National Geographic Magazine.	
91	04/26/63 Letter to Jerry Greenberg from the National Geographic Magazine.	
92	07/15/64 Letter to Jerry Greenberg from the National Geographic Society (with attachments).	
93	03/28/67 Letter to Jerry Greenberg from the National Geographic Magazine (with attachments).	
94	03/13/97 Letter to Legal Affairs, National Geographic Society from Norman Davis.	
95	08/13/69 Letter to Jerry Greenberg from the National Geographic Society.	
96	08/08/69 Letter to Jerry Greenberg from the National Geographic Magazine.	
97	08/13/69 Letter to Jerry Greenberg from the National Geographic Magazine.	
98	11/25/80 Letter to Jerry Greenberg from Barbara Scott (the National Geographic Society).	

Exhibit	Description	Objection(s)
99	Portion from the 1995 Supplement of The Publishing Law Handbook - Volume 2 with attached handwritten note.	
100	01/17/97 Memorandum to Suzanne Dupre (National Geographic) from Maura Mulvihill (National Geographic Society) regarding 108 years of NGM on CD.	
101	03/20/97 E-mail to Bill Allen from Kent Kobersteen regarding 108 years of NGM CD-ROM.	
102	Composite: Documents relating to Copyright Registration of Jerry Greenberg's photographs entitled Living Corals of the Tropical Atlantic.	
103	Composite: Documents relating to Copyright Registration of Jerry Greenberg's book entitled The Coral Reef.	
104	Composite: Documents relating to Copyright Registration of Jerry Greenberg's book entitled The Living Reef.	
105	04/24/97 Letter to Suzanne Ross McDowell (Legal Affairs, publications National Geographic Society) from Norman Davis.	
106	10/03/96 E-mail to C.Clewell from Susan Fifer Canby regarding CD-ROM.	
107	07/03/89 Letter of assignment to Jerry Greenberg from the National Geographic Society.	
108	08/09/89 Letter of assignment to Jerry Greenberg from the National Geographic Society.	
109	12/08/75 Memo to Jerry Greenberg file from Joan Hurst regarding copyright notice.	
110	11/15/85 Letter to WE Garrett (National Geographic Magazine) from Jerry Greenberg regarding copyright re-assignment.	
111	01/15/96 CD-ROM Bundling and Distribution Agreement between Mindscape, Inc. and Point Group, Inc.	
112	03/18/97 Memorandum from Dennis Dimick outlining concerns about the 108 years of NGM on CD-ROM.	
113	03/18/97 Copyright Meeting summary e-mail sent to Bill Allen from Dennis Dimick.	
114	03/19/97 CD-ROM e-mail thread between John Fahey and Bill Allen.	
115	Composite: Pre-Petition Royalty Statements from Encore, Inc. to National Geographic for 1st Quarter 2002.	

Exhibit	Description	Objection(s)
116	Letter to Robert Sugarman relating to the stock photo agency "rights clearance" negotiations for CD-ROM-108.	
117	Composite: 06/30/02 Royalty Statements from Encore, Inc. to National Geographic.	
118	Composite: Undated handwritten notes. (Bates no. NGS016/0330-37)	
119	03/17/97 Memorandum to William Allen from Richard Olsenius regarding 108 years CD-ROM.	
120	02/21/97 Letter to Suzanne Dupre (National Geographic) from Paul Kilmer (Gadsby & Hannah) outlining possible exposure of the Society as a result of the CD-ROM project.	
121	03/04/97 Letter to Mark Radcliffe from Suzanne Dupre (National Geographic Society) regarding the CD-ROM Project.	
122	National Geographic Society Detail Balance Sheet as of 08/31/02.	
123	12/16/96 Trademark and Copyright License between National Geographic Society and NGV, Inc.	
124	08/15/96 Agreement for Development Services between Ledge Multimedia and National Geographic Society.	
125	09/13/97 Agreement Number 1 to Distributiona Agreement between Mindscape, Inc. and National Geographic Interactive.	
126	06/10/98 Agreement for Amendment Number 2 to Distribution Agreement between Mindscape, Inc and National Geographic Interactive.	
127	09/25/00 Amendment Number 3 to Distribution Agreement between Mindscape, Inc. and National Geographic Interactive.	
128	03/29/99 Letter addendum to the existing contract between National Geographic Interactive and Ledge Multimedia with attachments. (DW 7/ 1-11)	
129	03/29/99 Letter addendum to the existing contract between National Geographic Interactive and Ledge Multimedia with attachments. (DW 7/ 12-14)	
130	Co-Promotion Agreement between Eastman Kodak Company and Mindscape, Inc.	
131	09/13/96 Letter to Gordon Landies (Mindscape, Inc.) from Lawrence Lux (NGI) outlining the NGI and Mindscape CD-ROM Distribution Terms	

Exhibit	Description	Objection(s)
132	09/13/96 Distribution Agreement between Mindscape, Inc. and National Geographic Interactive.	
133	01/01/96 Trademark and Copyright License Agreement between National Geographic Society and NGV, Inc.	
134	List of Contributors to the National Geographic Magazine	
135	03/11/97 Memorandum to Suzanne Dupre (National Geographic Society) from Mark Radcliffe (Gray Cary Ware) regarding Scope of Rights in Stock Photographs.	
136	04/24/97 Letter to Robert Sugarman (Weil Gotshall) from Suzanne Dupre (National Geographic Society).	
137	05/29/97 Letter to Paul Kilmer (Gadsby & Hannah) from Suzanne Dupre (National Geographic Society) regarding CD-ROM 108 enclosing recent correspondence on the topic.	
138	06/19/97 Letter to Robert Sugarman (Weil Gotshall) from Suzanne Dupre (National Geographic) regarding CD-ROM 108 years of National Geographic.	
139	06/20/97 Fax to Bob Sugarman (Weil Gotshall) from Suzanne Dupre (National Geographic).	
140	06/26/97 Letter to Suzanne Dupre (National Geographic) from Robert Sugarman (Weil Gotshal) regarding the Copyright Act.	
141	07/09/97 Fax transmission to Suzanne Dupre (National Geographic) from Robert Sugarman (Weil Gotshal) - draft outline of the strength of the Society's position relating to publishing a CD-ROM archive under the Copyright Law.	
142	07/21/97 Letter to Suzanne Dupre (National Geographic) from Robert Sugarman (Weil Gotshal) outlining the strength of the Society's position relating to publishing a CD-ROM archive under the Copyright Law.	
143	02/03/96 Letter to Suzanne Dupre (National Geographic) from Paul Kilmer and Carrie Leonard (Gadsby & Hannah) regarding NGM CD-ROM	
144	CNG questionable images table (NGS 055/0603)	
145	03/14/97 Letter to Mark Radcliffe (Gray Cary) from Suzanne Dupre (National Geographic Society).	
146	04/14/97 Memorandum to JMF, WLA, SKD from TRK regarding Outside opinions/information pertinent to the 108 years of NGM CD-ROM.	

Exhibit	Description	Objection(s)
147	04/24/97 E-mail to Suzanne Dupre from Jim Enzinna regarding Agency Boilerplate.	
148	04/16/97 Memorandum to John Fahey, Bill Allen, Suzanne Dupre, Larry Lux, Tom Kennedy and Tom Stanton from Sarah Clark (National Geographic Society) regarding photographic rights for the 108 years CD-ROM.	
149	03/31/98 Letter to Howard York (Ledge Multimedia) from National Geographic Interactive regarding formulas for royalties to Ledge.	
150	01/29/98 Statement of Income and Expense for National Geographic Enterprises for the month ended 12/31/97.	
151	06/14/02 Letter to Jerry Greenberg from Michael Bell (Encore, Inc.) regarding license agreement included with his purchase of *The Complete National Geographic: 112 Years* CD-ROM product.	
152	Composite: Documents relating to the Audubon transaction	
153	04/18/97 Handwritten memorandum from Robert Poole regarding republication of photographs.	
154	03/17/97 E-mail thread between Bill Allen, Bob Poole, John Fahey, and Suzanne Dupre regarding CD rights.	
155	03/08/99 Production and Distribution Agreement between Ceative Labs, Inc. and TLC Multimedia, Inc.	
156	12/10/99 OEM License Agreement between TLC Multimedia Inc. and Digital Square Inc. ("OEM").	
157	10/03/97 Amended and Restated Term Sheet Between Vision Software and TLC Multimedia, Inc.	
158	06/30/98 OEM License Agreement between TLC Multimedia Inc. and Patriot Computer Corporation.	
159	05/10/99 OEM License Agreement between TLC Multimedia Inc. and The Learning Partners, Inc.	
160	10/10/96 Minutes of Meeting of the Executive Committee of the National Geographic Society.	
161	04/10/97 Handwritten notes relating to copyright case (NGS 016/1401).	
162	05/08/97 E-mail to Bill Allen, John Fahey, Tom Kennedy, B. Poole, Suzanne Dupre, T. Stanton from Maura Mulvihill regarding rights for agency images relating to the 108 year CD-ROM (with attached questions and answers).	

Exhibit	Description	Objection(s)
163	07/01/97Letter to Mary Luria (Davis & Gilbert) from Suzanne Dupre (National Geographic) regarding Doubilet Photography, Inc.	
164	The National Geographic Magazine & Index on CD-ROM Product Specification and Product Plans created by Tom Stanton on 01/22/96.	
165	National Geographic Society CD-ROM Business Plan - Production, Marketing, and Sales Models for CD-ROM Product Group created by Tom Stanton on 01/07/96.	
166	Waterproof Pocket Guide entitled Corals & Fishes - Florida, Bahamas & Caribbean.	
167	Book entitled Underwater Naturalist - Vol. 19, No. 1.	
168	Book entitled Manfish with a Camera.	
169	Book entitled The Living Reef with Special Fishwatcher's Supplement.	
170	Book entitled The Fishes Beneath Tropic Seas.	
171	Book entitled The Radiant Reef.	
172	1985 Seascapes Calendar.	
173	1984 Seascapes Calendar.	
174	Waterproof book entitled Guide to Corals & Fishes of Florida, The Bahamas and the Caribbean.	
175	Book entitled Sharks and other Dangerous Sea Creatures.	
176	Coral Reef Coloring Book - Florida, the Bahamas and the Caribbean.	
177	Composite: Color literature for sales of Seahawk Press Publications	
178	Book entitled Mangroves - Trees in the Sea.	
179	Book entitled Guide to Corals & Fishes of Florida, the Bahamas and the Caribbean.	
180	Book entitled Guia de Corales y Peces de La Florida, las Bahamas y el Caribe.	
181	Book entitled The Coral Reef.	
182	Book entitled The Coral Reef - New Revised Edition.	
183	Waterproof dive card entitled Fishwatcher's Field Guide Hawaii.	
184	Waterproof dive card entitled Fishwatcher's Field Guide Indian Ocean.	

Exhibit	Description	Objection(s)
185	Waterproof dive card entitled Fishwatcher's Field Guide Great Barrier Reef.	
186	Waterproof dive card entitled Tropical Atlantic, Caribbean and Gulf of Mexico Beachcomber's Field Guide Shells.	
187	Waterproof dive card entitled Marine Invertebrates Indian Ocean.	
188	Waterproof dive card entitled Hawaiian Marine Invertebrates.	
189	Waterproof dive card entitled Gamefishes of the Tropical Atlantic.	
190	Waterproof dive card entitled Santa Barbara - Channel Islands - San Diego California.	
191	Waterproof dive card entitled Fishwatcher's Field Guide.	
192	Waterproof dive card entitled Fishwatcher's Field Guide entitled Marine Invertebrates of Florida, the Bahamas, Bermuda and the Caribbean.	
193	Waterproof dive card entitled Fishwatcher's Field Guide Red Sea.	
194	Waterproof dive card entitled Reefcomber's Guide to Florida, Bermuda, the Bahamas and the Caribbean.	
195	Waterproof dive card entitled Mar Rosso Guida ai Pesci di Scogliera.	
196	Waterproof dive card entitled Mer Rouge Guide des Poissons de Recif.	
197	Waterproof dive card entitled Rotes Meer Riff-Fisch-Fuhrer.	
198	Waterproof dive card entitled Snorkel Bob's Hawaiian Reef Fish I.D.	
199	Waterproof dive card entitled Hawaii's Reef Fish.	
200	Waterproof dive card entitled Guide to Hawaiian Reef Fish.	
201	Waterproof dive card entitled Hawaiian Reef Fish.	
202	Two photographs e-mailed to Mimi Greenberg by Idaz Greenberg in December 2002.	
203	Composite: Original Jerry Greenberg photograph and recreated photo montage.	
204	Composite: Greenberg photographs printed from CNG CD-ROM.	
205	Composite: Sixty Four (64) Greenberg photographs.	
206	January 1962 National Geographic.	
207	February 1968 National Geographic.	

Exhibit	Description	Objection(s)
208	May 1971 National Geographic.	
209	July 1990 National Geographic.	
210	Robert Sugarman deposition transcript in *Ward v. NGS, Inc., et al.*	
211	Reg Murphy deposition transcript in *Ward v. NGS, Inc., et al.*	
212	Suzanne Dupre deposition transcript in *Ward v. NGS, Inc., et al.*	
213	William Butterworth deposition	
214	Composite: Greenberg Journal Entries for 1993.	
215	Composite: Greenberg Journal Entries for 1994.	
216	NGS Unit Costs Sheet for NGM on CDRom/DVD Products	
217	NGS Balance and Allocation Reports.	
218	Composite: Royalty documents relating to The Learning Company.	
219	Composite: Royalty documents relating to Mattel Interactive.	
220	Composite: Royalty documents relating to Encore.	
221	Composite: Royalty documents relating to Mindscape.	
222	Composite: NGS Distribution Summaries and Reports.	
223	Composite: NGS Royalty Statements.	
224	All correspondence exchanged between Greenberg and NGS.	
225	All documents produced by Defendants during discovery in this case.	
226	All documents produced by Plaintiffs during discovery in this case.	
227	All exhibits listed on Defendants' exhibit list.	
228	All documents attached as exhibits to pleadings and discovery in this action.	
229	Defendants' discovery responses served in this action.	
230	Demonstrative aids and exhibits	

Dated: December 11, 2002

Respectfully Submitted,

STEEL HECTOR & DAVIS LLP
Counsel for Plaintiffs
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By: _____
Norman Davis FBN 475335
Edwin G. Torres FBN 911569

Certificate of Service

I hereby certify that a copy of the foregoing was served by mail on Edward Soto, Esq., Weil, Gotshal & Manges LLP, 701 Brickell Avenue, Suite 2100, Miami, FL 33131; and by federal express on Robert G. Sugarman, Esq., Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York NY 10153 this 11th day of December, 2002.

_____
Norman Davis

MIA2001/176930-1

UNITED STATES DISTRICT COURT
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Miami Division

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Plaintiffs,

vs.

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ENTERPRISES, INC., a corporation,
and MINDSCAPE, INC., a
California corporation,

Defendants.
_____/

PLAINTIFFS' WITNESS LIST

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   Miami, FL 33156

2. Idaz Greenberg
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   Miami, FL 33156

3. Michael Greenberg
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   Miami, FL 33156

4. William E. Butterworth
   1325 West Walnut Hill Lane
   Irving, Texas 75015

5. Robert Sugarman
Weil, Gotshal & Manages
767 Fifth Avenue
New York, New York 10153-0119

6. Reg Murphy
c/o National Geographic Society
1145 17th Street N.W.
Washington, D.C. 20036-4688

7. Suzanne Dupre
c/o National Geographic Society
1145 17th Street N.W.
Washington, D.C. 20036-4688

8. Any person listed on the trial witness list of defendant

9. Impeachment witnesses

10. Rebuttal witnesses

Dated: December 11, 2002

Respectfully Submitted,

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By: _____
Norman Davis FBN 475335
Edwin G. Torres FBN 911569

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Norman Davis

MIA2001/176938-1